

1                   STATE OF TENNESSEE  
2           TENNESSEE EMERGENCY COMMUNICATIONS BOARD  
3           DEPARTMENT OF COMMERCE AND INSURANCE  
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10                   TRANSCRIPT OF THE PROCEEDINGS

11                           August 28, 2008  
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21                           Cannon & Stacy  
22                           Court Reporters  
23                           117 Arrowhead Drive  
24                           Hendersonville, Tennessee 37075  
25                           (615) 822-9382  
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Reported by: Amber A. Thompson

1 APPEARANCES:

2 Board Members Present: Mr. Randy Porter, Chair  
3 Mr. Ike Lowery, Vice Chair  
4 Mr. Charles Bilbrey, Member  
5 Ms. Carolann Mason, Member  
6 Mr. Freddie Rich, Member  
7 Mr. Steve Smith, Member  
8 Mr. James Sneed, Member

9 Board Members Not Present: Honorable Tom Beehan, Member  
10 Ms. Katrina Cobb, Member

11 Staff Members Present: Ms. Lynn Questell  
12 Executive Director  
13  
14 Mr. James Barnes  
15 Accounting Manager  
16  
17 Mr. Rex Hollaway  
18 Technical Services Director  
19  
20 Mr. Robert McLeod  
21 Director of Audits  
22  
23 Ms. Vanessa Williams  
24 Assistant to the Director  
25

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1                   CHAIR PORTER: Good morning, everyone.  
2       This is the August 28th, 2008, meeting of the Tennessee  
3       Emergency Communications Board.

4                   Let the record show that all of our  
5       members are present except for Ms. Katrina Cobb and  
6       Mr. Tom Beehan.

7                   Ms. Cobb, as you well know, has had a  
8       tremendous amount of sickness so far in the battle with  
9       cancer. I think she's doing better, but can't travel due  
10      to a blood clot right now. So we wish her the best and  
11      hope you continue to remember her in your prayers.

12                  It's good to see each and every one of you  
13      back. Welcome to all our visitors we have in the  
14      audience. We have a fairly short agenda today, so,  
15      hopefully, we'll get us out by lunch if everything goes  
16      well.

17                  First item on the agenda is to hear a  
18      report from our executive director, Lynn Questell.

19                  MS. QUESTELL: Thank you, Mr. Chairman.

20                  I first like to report on the status of  
21      wireless carrier and VoIP deployment. We have a report  
22      that T-Mobile plans to deploy in Union, Lawrence, and  
23      Morgan Counties in December '08 and will deploy with  
24      Phase I and Phase II by March 31st, 2009.

25                  Next, a report on the few misroutes that

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1 we had since the last meeting. In Benton County there  
2 was a misroute report on July 21. It was from a Cricket  
3 phone that originated in Benton County, Mississippi, and  
4 it reportedly had been misrouted off a Verizon Wireless  
5 tower. The report was that it was fixed by July 29 when  
6 corrections were made on the routing instructions for the  
7 problem tower.

8 On June 23rd some of Maury County's  
9 wireless calls, presumably AT&T Mobility calls, defaulted  
10 to Nashville Metro. And in this area, Nashville Metro is  
11 the default location.

12 And I'm just going to interject right here  
13 while I'm thinking about it. We want to thank Nashville  
14 Metro for doing that and for never complaining about the  
15 additional calls for that.

16 Anyway, the problem appeared to be  
17 corrected, but they never definitively identified the  
18 cause.

19 And then on July 9th, Maury County had  
20 similar problems with some Cricket calls that appeared to  
21 be a default routing issue. When our director of E-911  
22 technical services got involved -- that's Rex Hollaway --  
23 to help with this misrouting problem, he learned that  
24 AT&T Business Systems had changed their 911 repair number  
25 and had not notified all of the districts. And our

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1 office hadn't been immediately notified either.

2 So Rex tracked down the proper numbers,  
3 and we have sent the districts a technical bulletin that  
4 has a lot of NOC numbers, including AT&T's new one.

5 Okay. Some technical and operational  
6 issues. There was a landline outage reported in  
7 Sequatchie and Bledsoe Counties on August 15th, which was  
8 apparently due to some landlines being severed. All  
9 service was restored in two hours.

10 The next thing is, I think we've reached a  
11 milestone in Tennessee. A Tennessee PSAP has received  
12 its first text message. Apparently, some wireless  
13 carriers are now offering text messaging to landline  
14 phones. The text messages get converted to voice and can  
15 be heard once the person answering the call presses a  
16 confirmation key.

17 And this call went to the Knox County  
18 Emergency Communications District's ten-digit number.  
19 They don't route into 911 at this time. But the victim  
20 was a woman who was in fear of her life and felt like she  
21 couldn't speak on the phone, and so she texted them. And  
22 it was handled.

23 Rex Hollaway, our technical director of  
24 E-911 technical services, and James Wood of the GIS  
25 mapping project, stopped in at Bledsoe County and visited

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1 with their director and their consultant, Mike Twitty,  
2 from Sequatchie County, on July 23rd, to review their  
3 progress on updating and correcting their GIS mapping  
4 system. And they did some test calls and other  
5 inspections. And their discussions led them to conclude  
6 that the projects were well ahead of schedule with over  
7 80 percent of the GIS and addressing data being  
8 completed. And the prediction is that completion of the  
9 project will happen during September '08.

10 But it's my understanding that Sequatchie  
11 will not be doing the maintenance on this data. And Rex  
12 has communicated with the Bledsoe County Emergency  
13 Communications District leadership, and he's asked them  
14 to provide us with a maintenance plan.

15 Some ECD management issues. As you-all  
16 probably know, at this point, the State delayed releasing  
17 the revenue report that we use to reconcile our funds to  
18 send out the 25 percent of what we receive to the  
19 districts. This delay was due to end-of-the-year  
20 closeouts and stuff like that. But the report now has  
21 been released and staff is completing the reconciliation.  
22 And so you should be seeing the funds in the very near  
23 future.

24 CHAIR PORTER: Next week.

25 MS. QUESTELL: Next week.

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1                   I guess last month we learned that a  
2           competitive local exchange carrier called BullsEye  
3           Telecom had sent a bunch of letters to about 30  
4           districts, and they were trying to pay their 911 service  
5           charge that hadn't been paid since 2005. And they  
6           requested the districts if they could just remit  
7           annually.

8                   We contacted them and told them that  
9           Tennessee law requires them to remit every other month  
10          and file an annual accounting to every ECD where they  
11          have customers. And they were very agreeable about this,  
12          so, hopefully, that issue is resolved.

13                  But if you do hear from them and you think  
14          that they are not doing something quite right, if you  
15          would give me a call -- that would be very helpful. I've  
16          been working with them, and I'd be happy to keep doing  
17          that.

18                  The BullsEye issue kind of jogged us about  
19          the annual accounting. We have a form that we use for  
20          the annual accountings. And what we do is every year we  
21          send out the form to the carriers that are remitting to  
22          us. And we send them a little letter stating here is a  
23          form to assist you in your annual accounting that you are  
24          required to do by law.

25                  And so we thought it might be helpful for

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1 the districts to have a similar form. You don't have to  
2 use it, you're just welcome to use it. And so we sent  
3 that out by e-mail to every district a couple of weeks  
4 ago. I think the annual accounting is a very important  
5 legal requirement, and it really helps you to keep track  
6 of your remittances. So if that's helpful. We hope so.

7 Also, I want to report that our auditor,  
8 Robert McLeod, completed his grant monitoring on all but  
9 two districts. And he reported to me that he had also  
10 kind of conducted a review of dispatcher training, and he  
11 was pleased at the amount of compliance for the basic  
12 40-hour classes and 40-hour on-the-job training  
13 requirements.

14 But we all know that those basic  
15 requirements aren't really -- that's just the bottom rung  
16 of the ladder. To professionalize dispatching, there  
17 needs to be continuing education. This is just the least  
18 amount that you should ever provide. And that is the  
19 issue that our policy committee continues to work on.

20 Status of the GIS mapping maintenance  
21 grant. Staff sent out new grant documents to 95  
22 participating districts to start the five-year grant  
23 cycle on January 15th. Of those that we distributed,  
24 we've not received the signed documents back from 12 of  
25 them. They are Anderson, Bristol, Clinton, Franklin,

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1     Greene, Hancock, Hardin, LaFollette, Meigs, Robertson,  
2     White, and Williamson County Emergency Communications  
3     Districts.

4                     Our records also indicate we received  
5     closeout reports and started payment for the next 10,000,  
6     for 53 districts that have executed their grants.

7                     The eligible districts who have not  
8     submitted closeout reports for June 30th are Bedford,  
9     Bradley, Bristol, Campbell, Cannon, Carter, Cheatham,  
10    Chester, Clay, Fayette, Gibson, Grainger, Hamblen,  
11    Haywood, Houston, Johnson, Knox, Lake, Lauderdale, Lewis,  
12    Loudon, Marion, Obion, Polk, Roane, Van Buren, Warren,  
13    Weakley, and Wilson.

14                    Yes?

15                    MR. BARNES: As a supplement, this was  
16     about a week ago, and I have received a couple of each of  
17     those since then.

18                    MS. QUESTELL: Okay. Well, I apologize  
19     for any error. We have been preparing for this board  
20     meeting for a while.

21                    And thank you-all for those of you that  
22     did get yours in, and I apologize for reading out your  
23     name when you have complied.

24                    Thank you for the correction.

25                    I wanted to report on the status of the

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1     \$14 million operational funding program. They continue  
2     to be disbursed, usually along with your 25 percent of  
3     our remittances. But this time, of course, we sent the  
4     \$14 million proportional payment out earlier because we  
5     couldn't get access to the 25 percent. So you should be  
6     getting another -- some more revenue from the 25 percent  
7     very soon, as I said.

8                     This program was included in the Board's  
9     2009 budget, and the General Assembly approved our budget  
10    at the end of the last legislative session, so that's  
11    good news.

12                    I want to report on the Next Generation  
13    911 project, just give you a little bit of background to  
14    start off with. The State's Office of Information  
15    Resources -- which OIR is what it's called -- issued an  
16    RFP, as you-all probably know, on a statewide network, in  
17    October '07. And we began meeting with OIR even before  
18    they issued the RFP.

19                    The RFP concluded, and there was a  
20    successful bidder. It was AT&T. And that was selected  
21    in May.

22                    And after the bid was selected, we met  
23    with representatives of OIR and AT&T, and we learned that  
24    AT&T has affiliated many companies to help with this  
25    project.

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1                   And after we had that meeting, we asked  
2     our consultants from Kimball to review AT&T's bid. And  
3     it appears that this IP platform will meet or exceed many  
4     of the Board's requirements for the Next Generation  
5     project, but we have some issues regarding scheduled  
6     downtime, legacy equipment support, and redundant links  
7     to end points that we're going to try to iron out with  
8     them.

9                   We intend to have discussions with them in  
10    the near future, and, hopefully, we will get everything  
11    ironed out enough that the issue of whether to use the  
12    NetTN network could be on the agenda of the November 20th  
13    meeting. But that will depend on our discussions.

14                  I wanted to update you on our petition at  
15    the FCC to deal with the harassing non-initialized 911  
16    calls. We really got the petition -- the FCC to address  
17    the petition in record time. I don't know of any  
18    petition that's ever been filed and gone through quicker.  
19    And the time period for filing comments ended at the end  
20    of July.

21                  And the very last reply comments, we  
22    joined with NENA, the National Emergency Number  
23    Association, and a number of entities to -- in a final  
24    kind of response brief that asked the FCC to please  
25    convene a committee to study the issue and have a very,

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1 very tight timeline so that there can be a full  
2 discussion. And we're waiting for the FCC to respond to  
3 that.

4 And I just want to thank everybody who  
5 filed comments. Without question, Tennessee filed the  
6 most comments to that petition. And I cannot help but  
7 think that made a big difference. And especially those  
8 of you that took the time to count your non-initialized  
9 phone calls, I don't think we would have gotten any  
10 action at all from them if we hadn't had actual  
11 statistics that forced them to look at the issue.

12 And we're just waiting to see what they'll  
13 do. I don't see how they could ignore it. And, knock on  
14 wood, they won't.

15 I wanted to talk about the status of the  
16 Essential Reimbursement Program. As of August 20th, 81  
17 districts have either been paid or were in the process of  
18 being paid for requests for equipment totaling \$9 million  
19 under this program. 35 districts have already requested  
20 the maximum amount of 150,000, and nine more have less  
21 than 10,000 remaining on their allocations. 19 districts  
22 have not initiated any documentation towards requesting  
23 any funding out of this program.

24 The next thing I want to talk about is a  
25 new legislation that impacts 911. On a state level,

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1     there were amendments to the Open Records Act that are  
2     requiring -- and they've already starting doing this.  
3     They've got now an Office of Open Records that's going to  
4     be created in the Controller's Office that will assist  
5     local government, the media, and others with questions  
6     you might have about the Open Records Act. So you're  
7     going to get a person when you call them, and I'm going  
8     to give you the number. That's their whole world, is  
9     open records compliance, so you'll definitely get answers  
10    right on the ball from them.

11                 They're also in the process of doing rules  
12    to establish standards for copying fees and other costs  
13    so that you-all won't have to just eat that. And that's  
14    going to be available on their Web site. Their Web site  
15    is up.

16                 And the director of this new office is  
17    Ann Butterworth. She's a true expert. And she's a  
18    lawyer. And she and her staff are available to answer  
19    your questions about open records. And her number -- and  
20    we'll have this also in the summery -- is (615)401-7910.

21                 Some more new amendments to the Open  
22    Records and Open Meetings Act require us, the Tennessee  
23    Emergency Communication Board, to develop a program to  
24    educate district board members about the open meetings  
25    laws and how to remain in compliance with them.

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1                   They didn't just pick us out and say you  
2     have to do it. They also picked out MTAS and CTAS, the  
3     Utility Management Review Board, and the School Board  
4     Association. So you can expect some educational stuff  
5     from us.

6                   And we're going to start that off at the  
7     TENA conference next month. And we will address a lot  
8     about open records. And we're also going to have a class  
9     that's going to be for district board members. It's  
10    going to be like "District Board Member 101" because it  
11    just occurred to us that you get appointed to a 911 board  
12    and where is the easy access place where you can get the  
13    basic information that you really need to have to  
14    function as a 911 Board Member?

15                  So what we're going to do is do a class  
16    and tape it, and either send you-all out CDs with that  
17    class on it for your new board members -- or even your  
18    old board members -- and also try to put it on our Web  
19    site as well.

20                  That's the plan. So that it will just be  
21    real basics from everyone on the staff: Stuff about  
22    technical stuff that you need to know -- standards --  
23    everything like that. Just the very basics.

24                  Turning to federal law. The Farm Bill was  
25    passed over the presidential veto. And it contains a 911

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1 loan program that's going to help provide 911 access to  
2 rural areas. It's out of the Rural Utilities Service.  
3 And that should be available to you-all.

4 There is a controversy about whether  
5 vendors would be eligible for this funding. I don't know  
6 the answer to that yet. But, definitely, I think  
7 districts would be.

8 Finally, what's being called "The New and  
9 Emerging Technologies 911 Improvement Act of 2008." The  
10 NET 911 Improvement Act was signed into law. This is  
11 Bart Gordon's law. He was a hands-on sponsor.

12 He was kind enough to have his staff  
13 consult with us while they were working through this  
14 legislation. And our big point was to make sure that 911  
15 fees -- 911 service charges on VoIP were being protected,  
16 that the feds weren't coming in and saying that we  
17 couldn't collect that. And that is in the bill. Our  
18 fees are safe in that regard.

19 But the bill also does a lot of other  
20 stuff. It's intended to encourage the rapid deployment  
21 of IP enabled 911 and E-911 services; encourage the  
22 nations transition to an IP enabled network; and improve  
23 911 and E-911 access to people with disabilities --  
24 especially the deaf and hard of hearing.

25 And it extends the same liability

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1     protections afforded to wireline and wireless carriers  
2     and public safety to VoIP. And, importantly, it ensures  
3     that VoIP providers can connect with legacy and telephone  
4     networks so they can deliver calls and information to 911  
5     centers.

6                     And just this Monday, the FCC convened a  
7     rulemaking to put into effect this Net 911 Improvement  
8     Act. So they're moving ahead quickly on this.

9                     I also wanted to update you on the whole  
10    location accuracy controversy between the wireless  
11    carriers and the FCC. If you remember, last November the  
12    FCC issued an order which required PSAP level location  
13    accuracy standards, and a number of wireless carriers  
14    appealed that. And, apparently, there were a number of  
15    procedural errors in that order, and the Court stayed  
16    that order.

17                    In the meantime, NENA and APCO and a  
18    number of big wireless carriers sat down together and  
19    kind of worked through some issues. And they wrote a  
20    letter to the FCC -- two letters, actually -- that the  
21    PSAP level accuracy requirements were unworkable in  
22    practice and that they had all agreed to accept  
23    compliance measurements at the county level. So this  
24    will continue to develop, I'm sure.

25                    I just wanted to remind you that our

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1 office has moved over to Andrew Johnson, which is just on  
2 the other side of the Bicentennial Mall. It's on the  
3 third floor. And you're welcome to come see us, but  
4 don't go looking for us on the ninth floor because the  
5 last I heard the whole thing was gutted. And rightfully  
6 so.

7 The Policy Committee is going to meet  
8 Thursday, October the 23rd, to discuss dispatching and  
9 dispatcher training.

10 TEMA activities. Rex, our director of  
11 E-911 technical services, is going to participate in  
12 federally graded exercises related to the Sequoyah  
13 reactor in September and October.

14 Rex is also involved with the Broadband  
15 Task Force, and he continues to participate on that.

16 And he's also serving on the Steering  
17 Committee for Connected Tennessee, which is an  
18 independent non-profit organization whose mission is to  
19 accelerate the availability and use of technology towards  
20 creating a better business environment, more effective  
21 community and economic development, improved healthcare,  
22 enhanced education, and more efficient government. And  
23 since 911 plays an integral role, especially in health  
24 care, it makes sense for us to monitor the activities at  
25 this organization.

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1 Rex, our director of E-911 technical  
2 services, and Jim Barnes, our accounting manager,  
3 conducted a site visit to Hancock County Emergency  
4 Communications District, which is one of only two  
5 districts that are financially distressed at this time.  
6 Under the law, when a district is financially distressed,  
7 the Board has to exercise supervisory input and to  
8 analyze their financial situation.

9 They conducted the site visit. They found  
10 a positive change in net assets, and they recommended to  
11 the director of the ECD that they should place a maximum  
12 dollar limit on the level of financial support to the  
13 county run PSAP. But if things continue as they are,  
14 Hancock County is expected to have another year of  
15 positive change in net assets.

16 I wanted to mention, finally, a very  
17 serious issue that has just come up. We received a  
18 report that the Hawkins County Commission had cut its  
19 contribution to Hawkins County Emergency Communications  
20 District by \$14,000. Apparently, this was done at a  
21 meeting on Monday night.

22 I have to say that this is a great  
23 concern. The Board raised Hawkins County's landline  
24 rates in 2001 because Hawkins County Emergency  
25 Communications District was financially distressed. And

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1     when the Board did that, the former director communicated  
2     with the Hawkins County leadership and told them that  
3     they needed to maintain their same amount of contribution  
4     or the District would become financially distressed  
5     again. They have not done that.

6                     We all know that under the 911 law, 911  
7     was never meant to pay for all of dispatch. It's  
8     great -- I mean, dispatching existed long before 911, and  
9     it was paid for by local government tax funds.

10                    911 has a service charge to run 911. When  
11     counties reduce their tax contribution, if we don't step  
12     in and do something, what ends up happening is the  
13     service charge -- the charge that you-all get for the  
14     services that you provide end up being turned into -- it  
15     ends up being a tax -- replacing a tax. And that is not  
16     what the law meant. Districts don't have to dispatch.  
17     That is a local decision by the 911 boards.

18                    And I guess I'm done with my expression of  
19     disappointment. I can assure you-all that if this matter  
20     isn't resolved, the Hawkins County Emergency  
21     Communications District will be called in for a review of  
22     their rates at the November meeting.

23                    At this time I would like to ask the  
24     representatives of the board's GIS Mapping project,  
25     Dennis Peterson and James Wood, to come and make a short

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1 status report on their project.

2 MR. PETERSON: Good morning. Is this on?  
3 I'll just talk loud enough so that you can hear me. How  
4 about that?

5 CHAIR PORTER: Okay.

6 MR. PETERSON: Mr. Chairman, Director  
7 Questell, members of the board, good morning. It's my  
8 pleasure to be here this morning. Joining me is  
9 James Wood, who will be going over the detailed annual  
10 report.

11 As you well know, we have a contractual  
12 relationship between the Finance Administration, OIR, GIS  
13 Services, and the Board for the development and  
14 maintenance of a statewide street centerline database.  
15 We have a significant number of accomplishments we want  
16 to share with you today.

17 Before we get into the details, I did want  
18 to introduce to you some other members of our team that  
19 are here today. If they would stand as I announce their  
20 names. Hechong Yoo, Sheryl Martin, and Ashley Ludman.  
21 They are significant contributors to this effort.

22 Again, before we get into the details of  
23 the report, I wanted to share with you some other  
24 significant accomplishments relative to GIS as a whole.

25 Last July we completed our statewide base

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1 map data production for all 95 counties in the state,  
2 encompassing over an eight-year production timeframe,  
3 which set the stage for the rollout of our Tennessee GIS  
4 Portal that we have dubbed the Tennessee Map or TNMap for  
5 short.

6 We have used this data in support of other  
7 agency projects. We're supporting agency applications  
8 within the six organizations throughout the state  
9 currently, and that is due, in part, to the data that  
10 we're creating through our relationship with the Board.  
11 The primary goal and objective for our organization --  
12 the underlying theme -- is to create digital map data one  
13 time and find multiple applications for the same data,  
14 reducing or eliminating redundant data collection.

15 So we've been pleased to make this  
16 significant progress. We have more projects that are  
17 planned for other state agencies throughout the year.

18 Without further ado, what I want to do is,  
19 I want to turn this over to Mr. Wood, and he will go over  
20 the report that he handed out before the meeting started.

21 James.

22 MR. WOOD: Good morning. Does everyone  
23 have a report?

24 Okay. Thank you, again, for allowing us  
25 to come and highlight some of the accomplishments over

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1 the past fiscal year. We feel like we've made some  
2 important strides in this project and this is only the  
3 second year. And we've got some lofty goals to come.  
4 And I'll try to be brief. But we've got a couple of  
5 things that I did want to make you aware of.

6 We have the statewide centerline delivered  
7 to us, as Mr. Peterson indicated, back in July. But  
8 there is still a lot of work to be done to continue to  
9 enhance that dataset. So as a part of that, we have  
10 entered into a maintenance agreement with Tele Atlas to  
11 be able to give them updates -- resources that we are  
12 acquiring -- such as the aerial -- aerophotography  
13 parcels and cast information from the assessor's office,  
14 and where it's pertinent, local updates from the  
15 districts.

16 We have delivered 39 counties as of  
17 July -- this past July for maintenance work. And that  
18 will begin -- we have a great deal of flexibility with  
19 our maintenance program. And so, as new opportunities  
20 arise during the year, we have the opportunity to shift  
21 the resources around.

22 As a part of this maintenance agreement as  
23 well, Tele Atlas has provided a field research analyst.  
24 This is a position that is stationed here in Nashville,  
25 and it's specific to this maintenance agreement. And

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1     it's one of the first of its kind.

2                     Tele Atlas is kind of road testing this  
3     with the state of Tennessee. And so far it's worked out  
4     very well.

5                     One of his duties will be to take his  
6     vehicle, which is outfitted with their vision software --  
7     which is a proprietary to Tele Atlas -- and go and field  
8     check some of the discrepancies that we're finding in the  
9     dataset and plug those in, and we will get those back.  
10    So we're looking forward to that partnership.

11                    As far as infrastructure, we have just  
12    this year initiated and installed an ArcGIS Server  
13    Workgroup Platform, which will contain our production and  
14    editing databases. This will allow us a lot more  
15    flexibility in that environment. We'll also allow the  
16    three editors, which were introduced, to be able to  
17    access the data and edit that from a single database  
18    standpoint without conflict. That's the goal.

19                    And this server environment will also  
20    potentially -- well, it will hold potential for a unique  
21    form of exchange with other users -- other local users  
22    who are running ArcGIS servers as well. Rutherford  
23    County OIT has ArcGIS servers running, Blount County,  
24    which is also running the TIPS schema, is in an ArcGIS  
25    server environment. So that provides some different ways

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1 of data exchange that might be presented.

2 As you know, the TIPS dataset is mostly  
3 about the address points in the street centerlines, but  
4 it's grown to be much more than that. We've added  
5 several layers that we'll discuss here in just a moment.

6 One of which, though, is the ESN boundary.  
7 And what we're trying to do is generate a statewide view  
8 of all of the ESNs within the state of Tennessee. And so  
9 we've initiated construction of that.

10 We've gotten some feedback from local  
11 districts where they've sent us either a digital version  
12 of their ESN boundary that we can plug and play into the  
13 dataset or a paper copy map. And we've digitized those  
14 boundaries in, based on reference points provided. And  
15 so we continue to work on that boundary file and  
16 encourage districts who have that information to get that  
17 to us so we can plug that in. That will be of benefit to  
18 the local users, as well as public safety here at the  
19 state level.

20 We do continue to expand the scope of the  
21 TIPS dataset by including a new trails layer. We've  
22 established a relationship with the Tennessee Department  
23 of Environment and Conservation whereby updates from  
24 their Greenways and Trails Initiative can be obtained and  
25 we can plug that in. And so there are approximately 860

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1 miles of trails that have been collected to date.

2 That may sound like a lot, but it's --  
3 there's much more to be collected. And so we're just in  
4 the beginning stages of being able to put that dataset  
5 together. But that's largely due to TDECS's initiative.

6 As far as communicating the standards and  
7 along with training, we continue to update the TIPS  
8 maintenance standards as we interface with local  
9 districts and find new opportunities where we can change  
10 the standard model so that it works better in a dispatch  
11 environment. And we also continue to try to communicate  
12 these standards to the local communications districts and  
13 discuss with those who are interested in converting to  
14 the TIPS schema, the implications of that, and how that  
15 will interact with any vendor software that they're  
16 running at dispatch or in their GIS environment.

17 This does include site visits. I made  
18 several this year. We'll go over some of the attachments  
19 that I have here in the report that includes a site visit  
20 summary. But we also conducted training seminars back in  
21 December and January that were regional in nature, at  
22 Jackson, Nashville, and Knoxville. And we will continue  
23 to look at doing that as well in the upcoming fiscal  
24 year.

25 As far as local implementations, there are

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1 currently ten counties that have decided to convert to  
2 the TIPS schema and are using that in their GIS  
3 maintenance environment and in the dispatch applications.  
4 And those are listed there for you on page 2 of the  
5 bulleted points.

6 As we did before, we put together a site  
7 visit summary. This is actually an access database  
8 report, so I'll apologize up front for its appearance.  
9 But this is just a quick overview of where we've been and  
10 what we've been doing with respect to communicating the  
11 standards and with converting various local GIS  
12 implementations to the TIPS schema.

13 You can see there our regional training  
14 initiatives there in December and January. And some have  
15 been more challenging than others, and that's largely due  
16 to local vendor software and various applications that  
17 are run at the local level that have their own set of  
18 prerequisites that we have to tailor the dataset to get  
19 it to work properly in their environments. But you can  
20 look over those.

21 And by the way, feel free to interject  
22 with any questions that you have as we move through here.

23 The next page is actually a spreadsheet of  
24 the counties that have been delivered for maintenance. I  
25 didn't want to overload you with a whole lot of

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1 information -- and there is a lot here -- but I did think  
2 that you would like to see, at the very least, the  
3 counties that we have lined up and have distributed data  
4 to Tele Atlas for maintenance.

5 Tele Atlas is not our sole maintenance  
6 avenue. That is obviously the reason we have three  
7 editors on our staff, is to be able to handle some  
8 maintenance in-house. And those datasets that folks  
9 don't want to send to Tele Atlas, we obviously want to  
10 have the opportunity to process those and enter those  
11 into the TIPS dataset.

12 This is a list of the counties, some of  
13 the issues that we found, the numbers there, and then  
14 some of the datasets that we were able to provide to  
15 Tele Atlas for the maintenance enhancements.

16 The next couple of pages are just some  
17 examples that I wanted to share with you on some of the  
18 things we have gone over with respect to the scope of the  
19 TIPS data.

20 This next page is the ESN boundary for  
21 Perry County. Ms. Cynthia Mercer sent us a D size  
22 architectural drawing of her ESN boundaries. It was a  
23 rather old county map that she had drawn on. We took  
24 that and digitized that in and were able to provide her  
25 back a shape file of her ESN boundaries for her to use in

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1 dispatch. And this is the kind of work that we're doing  
2 to provide back information and to foster that data  
3 exchange.

4 And then the next couple of pages are an  
5 example of the trail system that we're integrating. This  
6 happens to be the South Cumberland State Park Trail  
7 System. I believe it's mostly in Grundy County.

8 The first sheet here is kind of an example  
9 of if a dispatcher got a cell phone call from somebody  
10 who was out on a trail. Without the trail system in  
11 place, it might look like it might be a miss hit by the  
12 system just kind of hanging out there in the woods.

13 But as you can see -- and this was a  
14 dataset that I downloaded off of the FCC site, so it's  
15 publicly available. I'm not giving away any secrets  
16 here.

17 But you can see, that fairly close to the  
18 trail head on Greater Falls Road is an advantage cellular  
19 system repeater. And so it's very plausible that someone  
20 on the Blue Hole Trail might be able to hit that if they  
21 were in trouble.

22 And so a dispatcher from this perspective  
23 here could see how to get first responders to that  
24 location in a hurry. We're getting the trail names as  
25 well as the state park names, along with the geometry --

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1 its attribute. So those will be available to the  
2 dispatchers to see.

3 And then the next page is just a kind of  
4 overview of the whole South Cumberland Trail System. You  
5 can see how large that is. And although it does  
6 intersect with the roads, which are in white there -- I  
7 hope you can those okay -- there are places where it does  
8 go out away from civilization. And so I hope you can see  
9 the value added -- the benefit of having the trails as a  
10 part of the TIPS dataset.

11 And then finally, on more of the  
12 production side, this is an ArcGIS ModelBuilder model  
13 that we created for Henry County for their  
14 implementation. We've had some unique issues to make the  
15 TIPS schema work at Henry County. Mark Archer was very  
16 helpful and very accommodative to allow us to come in and  
17 plug and play our TIPS schema.

18 But as a part of that, so he did not have  
19 to enter in redundant data or worry about missing some of  
20 the necessary fields we created -- it's basically script.  
21 It's very easily added into the ArcGIS framework. And  
22 you simply double click this script and it goes through.  
23 And after he has downloaded his GPS collective address  
24 points or centerlines, he can double click this script  
25 and it will automatically populate nine or ten of the

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1 TIPS fields for him without him even having to think  
2 about it.

3 And so this aids production. It also cuts  
4 down on attribution errors, misspellings, and things of  
5 that nature. And it's a very simple way to enhance  
6 productivity at the local level.

7 This model was created specifically for  
8 Henry County, but it certainly could be able to be  
9 tailored to meet any of the local districts that wanted  
10 to run the TIPS dataset.

11 So I hope you've found this report  
12 interesting and helpful. Are there any questions that I  
13 can answer?

14 MR. HOLLAWAY: Mr. Chairman, this is just  
15 a comment really. While most of the enhancement  
16 capability features are mostly to benefit to ECDs and  
17 PSAPs, as the ECD moves into the Next Generation System  
18 this stuff is going to becoming invaluable to us as we  
19 start routing wireless and VoIP calls. So it's -- we  
20 will see a lot more use out of it in the future.

21 CHAIR PORTER: It's one of those building  
22 blocks that we're lucky that we got started on it early  
23 before we got to the NG911 part. We can already hope to  
24 have most of it done by the time it comes about. That  
25 will make a big difference.

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1 Any other questions of Dennis or James?

2 MR. PETERSON: I do have a digital copy of  
3 the report for anyone who would like to have that and for  
4 the audience as well.

5 CHAIR PORTER: And you might also --  
6 James' contact information is on the very last page, and  
7 he is always available to help any of the districts and  
8 your whole office. And folks can call if they need help  
9 with their GIS. And they've got a wealth of information  
10 and help available that we need to be taking advantage  
11 of. That's what they're there for.

12 We appreciate what you-all are doing to  
13 help us. Thank you, guys. We appreciate you coming.

14 Okay. One thing I just wanted to -- that  
15 Lynn hit on in our executive director's report was about  
16 text messaging. And I know that that's something that's  
17 being talked about. It seemed like in going to  
18 conferences and in the 911 world -- your directors and  
19 everybody -- talking about that all the time in coming up  
20 with a solution on that kind of stuff -- the way that  
21 PSAPs can start accepting text messaging and so forth,  
22 everybody just remember that with NG911, that's one of  
23 the things that we will be looking at.

24 When you go to that type of network, it  
25 opens up a lot of areas of things that we can do. I

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1 think our goal is kind of like NENA's agreement that I  
2 was reading on our webpage the other day is that for it  
3 to come to the point that we connect to every device  
4 available. I mean, if there's something out there that  
5 talks in some way, then we should be able to connect it  
6 to 911 and to use it as emergency contact to get help.

7 So that's our goal at the board. I know  
8 we're pushing as hard as we can to move forward to get  
9 that going. So for those of you-all that have been  
10 thinking about that, before I went out and did anything  
11 really extravagant on my own, check with us and see where  
12 we're at, because a lot of that stuff will be coming with  
13 the NG911 system.

14 Okay. On to our action items now. The  
15 first item we have on the agenda is to consider amending  
16 the Revenue Standards to allow reasonable meeting  
17 expenses as a permissible use of 911 funds.

18 And I know a lot of you -- maybe at  
19 previous board meetings saw the agendas and stuff. We've  
20 had just all of a sudden, just seems like, a rash of  
21 districts that are spending 911 funds for things that  
22 maybe the Revenue Standards didn't allow or maybe that  
23 the Revenue Standards were not clear on and the issue was  
24 kind of cloudy. So I think we're looking at trying to do  
25 some amending on those.

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1                   Lynn?

2                   MS. QUESTELL: That's true. This one is  
3 kind of because of me. I spent a whole lot of years in  
4 the appellate court system, and I wanted to change the  
5 Revenue Standards.

6                   Right now it says that meeting expenses  
7 are permissible expenditures, and I'd like for it to be  
8 changed to "reasonable" meeting expenses.

9                   And the reason for that is, I can't help  
10 looking at it from an appellate court viewpoint. If for  
11 some reason there was an appeal of the Board's decision  
12 about a meeting expense, an appellate court looking at  
13 that would say it was a meeting expense. No matter how  
14 outrageous it might have been, there was no room for the  
15 Board to review that. And by adding "reasonable" meeting  
16 expenses, it would just make clear to a court that the  
17 Board had the authority to review the reasonableness of a  
18 meeting expense.

19                   The auditors do look at meeting expenses  
20 from essentially what is a reasonableness standard. And  
21 you-all should be aware of that. I mean, they're looking  
22 to make sure that expenditures are within a kind of  
23 normal range. If anything -- any expense really spikes,  
24 you might end up having that written up.

25                   So that was why I wanted to just modify

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1 the meeting expenses issue, so it was clear to everyone  
2 that the Board has the authority to review the  
3 reasonableness of meeting expenses.

4 CHAIR PORTER: You've heard a request from  
5 Staff that we amend the Revenue Standards to allow  
6 reasonable meeting expenses as permissible use of 911  
7 funds. What's the will of the Board?

8 MEMBER LOWERY: So moved.

9 CHAIR PORTER: I have a motion from  
10 Mr. Lowery.

11 Do I have a second?

12 MEMBER SNEED: Second.

13 CHAIR PORTER: Second by Mr. Sneed to  
14 approve Staff's recommendation.

15 Is there discussion?

16 (Pause)

17 CHAIR PORTER: Hearing none, all in favor  
18 of the motion say "aye."

19 THE BOARD: Aye.

20 CHAIR PORTER: All opposed, like sign?

21 (Pause)

22 CHAIR PORTER: Motion carried.

23 One of the things that Lynn and I talked  
24 about over the last few days is maybe at some point the  
25 Revenue Standards may need to be reviewed and some

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1 clarification put out for the districts on a lot of  
2 items.

3 When you read those Revenue Standards --  
4 if you're not familiar with 911 or where we have come  
5 over the last ten years or so, since this board was  
6 created, a lot of that is hard to understand as what's  
7 permissible and what's not permissible, in some cases.  
8 So I think Lynn and the Staff is going to be working on  
9 some of that maybe to help alleviate some of that and  
10 clarify some of that and make it easier to read.

11 The next item is consider proposal to  
12 obtain inter-tandem PSAP transfer capability from AT&T.

13 Lynn, are you and Rex going to talk about  
14 this one?

15 MS. QUESTELL: I'm just going to kick it  
16 off and send it over to Rex.

17 CHAIR PORTER: Okay.

18 MS. QUESTELL: Basically, a lot of PSAPs  
19 can't complete a true 911 transfer with ALI data to  
20 adjacent counties because those counties are either  
21 served by a different phone company or a different tandem  
22 office. And the need to transfer occurs when there's  
23 misroutes and when wireless calls are routed from an  
24 out-of-county cellular tower.

25 AT&T has made a proposal that could

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1 immediately provide call transfer capability on those  
2 PSAPs served by AT&T. This will kind of be a Band-Aid  
3 until we get Next Generation 911, which I'm sure you-all  
4 know is really going to improve call transfer capability  
5 across our whole state. But Rex will explain the  
6 details.

7 MR. HOLLAWAY: Thank you, ma'am.

8 Most of the reason for having a transfer  
9 call arises when a cellular call is routed to the wrong  
10 county. And most of the time that's because of the  
11 tower's spot that's on the battery. So it's a natural  
12 occurrence, and we can't do too much about it.

13 And, ultimately, as Lynn said, we want to  
14 fix this for the entire state. But for the immediate  
15 time period we can solve it at least with the 119 PSAPs  
16 that are served by AT&T.

17 AT&T, as you probably know, has five  
18 tandems throughout the state including Memphis, Jackson,  
19 Nashville, Knoxville, and Chattanooga. So if you have  
20 two counties that are adjacent to each other and they're  
21 being served by a different tandem, the only way they can  
22 transfer a call is to transfer it to a ten-digit number.  
23 And at that point they lose ANI, which means they can't  
24 retrieve ALI.

25 This proposal would provide the

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1 instillation of tandem trunks from each tandem router to  
2 the other four, and involves the instillation of about  
3 40 trunks to accomplish this. The initial cost for doing  
4 it is \$27,500, and there is a monthly recurring cost  
5 that's \$750.

6 Now, that's just to get it started. From  
7 there we have to put in some speed call lists at each  
8 PSAP -- each of those 119 PSAPs, and associated with the  
9 450 trunks that it's going to take to accomplish this  
10 between the 190 PSAPs -- or between the five tandem,  
11 really.

12 And so, in a worst-case scenario, that  
13 cost for speed call would be about \$23,000.

14 And then there's also some custom routing.  
15 I assume that each of those 119 PSAPs might want to  
16 transfer to at least 10 PSAPs. And that would be an  
17 additional \$19,000.

18 And this is all on the second page of your  
19 record there. The total -- what we believe is the  
20 worst-case scenario cost -- would be \$69,490. Although  
21 we expect it would be less than that. But we just wanted  
22 to be sure and give you the worst-case scenario.

23 And by the way, I didn't mention that  
24 David Gleason from AT&T is here. And if Glenn and I  
25 can't answer your question, I'm sure David will be able

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1 help us out.

2 But that's our recommendation from Staff,  
3 that we move ahead with this proposal. And I think it  
4 will probably take six months or maybe a little better to  
5 get this totally implemented across the state. At least  
6 with AT&T sites -- 119 sites.

7 CHAIR PORTER: We've heard recommendation  
8 from Staff to approve the AT&T PSAP transfer capability  
9 between inter-tandem.

10 MEMBER LOWERY: I have a question.

11 CHAIR PORTER: Do you want to make a  
12 motion?

13 MEMBER LOWERY: Yeah. I'll make a motion  
14 of it.

15 CHAIR PORTER: Okay. I have a motion by  
16 Mr. Lowery.

17 Do I have a second?

18 MEMBER SMITH: Second.

19 CHAIR PORTER: I have a second by  
20 Mr. Smith.

21 Any questions or discussions?

22 MEMBER LOWERY: What are you looking at  
23 for Embarq and AT&T's boundaries there?

24 CHAIR PORTER: That's a great question.

25 MR. HOLLAWAY: We can solve this with the

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1 two tandem offices at Embarq, and then one tandem office  
2 for Cookeville that would service several counties.

3 Unfortunatley, there are, I think, some  
4 tandem office discrepancies there that AT&T hasn't solved  
5 yet. And I don't know if David has it updated or not,  
6 but they are working on it -- the software release on the  
7 particular type of tandem switch. But we are working on  
8 it.

9 So, if we can get that done before  
10 Next Generation comes along -- which I think we could.  
11 I'm speaking for David here again. So anything we can  
12 do, I think -- I know you-all have changed your  
13 representatives with Embarq, so maybe we can get with  
14 them and get AT&T together and see if we can at least  
15 solve the situation there. I think five counties or six  
16 counties?

17 MEMBER LOWERY: A couple of those counties  
18 are sort of split in the middle -- or at least one or two  
19 of them are.

20 CHAIR PORTER: Other questions or  
21 discussion?

22 (Pause)

23 CHAIR PORTER: Hearing none, all in favor  
24 of the motion say "aye."

25 THE BOARD: Aye.

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1 CHAIR PORTER: All opposed, like sign?

2 (Pause)

3 CHAIR PORTER: Motion carried.

4 Next item on the agenda is consider  
5 pursuing legislation requiring all non-wireline and  
6 wireline telecommunication providers offering 911 service  
7 in Tennessee to annually register their names and  
8 identification contact information with the TECB.

9 Lynn, do you have anything you want to  
10 say?

11 MS. QUESTELL: Yes, I do.

12 We spend a lot of time trying to assure  
13 that the Board is capturing all the emergency telephone  
14 service charges on non-wireline carriers that the law  
15 requires. And there's only eight of us. And this has  
16 become a constant and kind of massive job.

17 When the law changed to allow a 911 fee on  
18 VoIP, we sent out over 600 letters to any possible  
19 providers in Tennessee. We got the list from the  
20 Department of Revenue.

21 And we have no way to really be sure that  
22 we've contacted everyone. And it's a moving target  
23 because new providers come into this state and there are  
24 mergers and acquisitions and the market continues to  
25 change.

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1                   And we were all kind of sitting down over  
2   lunch one day, and I think it came to all of us that what  
3   we really needed was a central location where we could  
4   get the most up-to-date contact information to make sure  
5   that we were contacting these people and that they  
6   understood what the law said about the emergency  
7   telephone service charge.

8                   And so we would like to have a law that  
9   requires registration with the TECB. We also -- I've  
10   gotten enough calls from districts to know that you-all  
11   are having trouble tracking down people, too, that are  
12   offering 911 service in your counties. And so we just  
13   felt like if we were a central repository that is  
14   required to be annually updated with this information it  
15   would help all of us.

16                  And what we would like to do is just make  
17   this as simple as possible. The idea would be to have a  
18   registration that was online and wouldn't take a whole  
19   lot of effort for the carriers to register. But we think  
20   that this would give staff a lot more time to help the  
21   districts with other things besides trying to track down  
22   carriers.

23                  CHAIR PORTER: You've heard the request of  
24   Staff that we pursue legislation to require this. Do I  
25   hear a motion?

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1                   MEMBER RICH: I move we accept Staff  
2 recommendation.

3                   CHAIR PORTER: Motion by Mr. Rich. Do I  
4 have a second?

5                   MEMBER BILBREY: Second.

6                   CHAIR PORTER: Second by Mr. Bilbrey.

7                   Any discussion?

8                   MEMBER SMITH: Mr. Chairman, I briefly  
9 have a question.

10                   I know Lynn and I have discussed this  
11 because we're one of the counties that frequently become  
12 aware of the service provider. Some -- usually in a case  
13 when they're remitting funds in arrears, to be quite  
14 honest. And I just want to make sure I'm understanding  
15 what we're proposing here.

16                   Lynn, is that to include all the service  
17 providers, whether they be resellers, CLEC -- what  
18 providers -- any telecommunication service provider in  
19 the state?

20                   MS. QUESTELL: We will track the  
21 legislation, basically, that requires the 911 fee. Which  
22 at least for us -- if a device can contact 911, then they  
23 should -- there should be a 911 fee on it.

24                   And what we'll do is we'll draft up the  
25 legislation and provide it to you for your review at the

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1 next board meeting. But we'll try to make this broad  
2 enough so that it will make sure that anyone that's  
3 supposed to be paying 911 fees will register with us --  
4 wireline, wireless VoIP, and any emerging technologies.

5 MEMBER SMITH: Would you mind clarifying  
6 for me as we've tried to do some research in our  
7 district. And I'm referring to -- I believe you educated  
8 me as to needing a certificate of convenience and  
9 necessity that takes place through the Tennessee  
10 Regulatory Authority or any telecommunications provider.  
11 And am I correct that it does have some language  
12 addressing -- agreeing to remit -- collect and remit the  
13 emergency telephone service charge fees to the  
14 appropriate district?

15 MS. QUESTELL: What I was talking about,  
16 basically, was trying to hook the registration  
17 requirement onto something that the carriers need. The  
18 LEC -- the landline carriers, they have to register with  
19 the Tennessee Regulatory Authority, and they have to get  
20 a certificate of convenience and necessity in order to  
21 offer their services in our state.

22 And we were batting around the idea that  
23 we would make registration with us a payment of fees  
24 somehow hooked up with like getting a business license  
25 from the Secretary of State's office or getting a

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1 certificate of convenience and necessity.

2 Before we say for sure we are going to do  
3 that, we would like to talk it over with the Secretary of  
4 State's office and the Tennessee Regulatory Authority,  
5 how they feel about that situation and kind of work --  
6 make sure that there are not unattended consequences that  
7 we're not aware of.

8 But that would be something that we would  
9 want to pursue. But I don't want to promise that until I  
10 talk it over and make sure that there's not something  
11 unforeseen that could happen with that.

12 MEMBER SMITH: Certainly. I understand  
13 that. And I know that the Board staff's intent is to  
14 help us all collect the funds that are due to us.

15 But if there exists any additional  
16 mechanisms -- and it sounds as if there may be -- to  
17 accomplish without necessarily going through until  
18 January, now -- until the General Assembly returns, and  
19 if they have been through a process in the state of  
20 Tennessee -- if there is a mechanism to require them to  
21 present as a part of that initial approval that they  
22 have, in fact, contacted the districts where they are  
23 going to provide service, they're aware of where to remit  
24 the funds, the frequency, and the rates.

25 Because I'm sure there are those who would

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1 attest that they have funds in some cases that end up in  
2 totally different counties, in a county trustee's office,  
3 at the Emergency Management Agency -- and I'm speaking  
4 from our experience.

5 So I just want to be certain that -- as  
6 speaking as one board member -- that we fully exercise  
7 every opportunity through any existing mechanism.

8 And I'm not opposing certain legislation  
9 being drafted by the staff and pursuing that as well, but  
10 I'd just like to have some clarification on that by our  
11 next meeting.

12 MS. QUESTELL: Well, I can tell you that  
13 there is no existing mechanism to require anyone getting  
14 a certificate of convenience and necessity to be  
15 contacting districts about the 911 fee.

16 And when I first started working here as  
17 counsel, I discussed that with some of the staffers over  
18 there. And it just -- well, it did not become a  
19 practice. And there is nothing to make them make it a  
20 practice.

21 But what we could try to do, I think, is  
22 actually just provide an information sheet that they  
23 could hand out to carriers that are getting a certificate  
24 of convenience and necessity.

25 But I really do think this legislation is

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1 necessary to make this happen. It's my thought that  
2 state agencies are hesitant to initiate new practices --  
3 especially mandatory ones -- without some kind of a rule  
4 or law to justify that. That's been my experience.

5 MEMBER SMITH: Well, all I'm asking is  
6 that a -- just a general review of those items that are  
7 publicly accessible in that process -- and there's  
8 questions about their financial background, there's quite  
9 a list.

10 And I assumed by reading one that says any  
11 other requirements placed by the authority, that it seems  
12 to me that we're getting the cart and the horse out of  
13 place here a little bit. And if there's a process  
14 existing where they came to the state of Tennessee to  
15 provide service, they're not paying their fair share when  
16 they're three years in arrears to these districts. And  
17 even on -- maybe even aside from the monetary aspect, as  
18 I believe it also requires them to have a network  
19 operations center 24-hour number.

20 So maybe it's not so much whether that  
21 small amount of money in any county is going to make a  
22 difference, but it could certainly make a serious  
23 difference in a case of a service provider having -- us  
24 having no contact. And especially the law enforcement  
25 personnel in some emergency where they may need to find

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1 out further information about that number.

2 But I appreciate your response. And I  
3 appreciate your willingness to look at that and at all  
4 avenues. And we can explore that further at the next  
5 meeting.

6 MS. QUESTELL: Will do.

7 MEMBER SMITH: Thank you.

8 CHAIR PORTER: Other discussion or  
9 questions?

10 (Pause)

11 CHAIR PORTER: Okay. We're voting to  
12 allow Staff to pursue legislation requiring that all  
13 telecommunication providers register with the TECB. All  
14 in favor of the motion say "aye."

15 THE BOARD: Aye.

16 CHAIR PORTER: All opposed, like sign?

17 (Pause)

18 CHAIR PORTER: Motion carried.

19 The next item on the agenda is to consider  
20 the Staff recommendations that we extend the landline  
21 rate increases for McNairy, Meigs, Sequatchie, and  
22 Stewart Counties.

23 Okay. Delete Meigs off of that.

24 So the counties that we're extending is  
25 McNairy, Sequatchie, and Stewart Counties.

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1                   Lynn, do you want to talk about that?

2                   MS. QUESTELL: This item really is just on  
3 the agenda to make a record and to give the Board an  
4 opportunity to ask questions or to make objections.

5                   The landline rates for McNairy,  
6 Sequatchie, and Stewart County Emergency Communications  
7 Districts are about to expire and they're requesting that  
8 their rates be extended. And they've filed the reports  
9 that are required by Policy No. 14.

10                  And Staff has analyzed those reports and  
11 we've found that the contributions by other governmental  
12 entities to these districts have not been reduced and  
13 that the justifications for the rate increases are still  
14 valid -- or they appear to be still valid. And Staff has  
15 found no reason not to continue their current rates.

16                  CHAIR PORTER: Okay. Does anybody have  
17 any problems with any one of these three districts'  
18 increases being continued?

19                               (Pause)

20                  CHAIR PORTER: Okay. Hearing none then,  
21 we don't need any Board action for that to happen.

22                  Next item on the agenda is to consider the  
23 2007 audit findings regarding the expenditures of ECD  
24 funds on items prohibited by the TECB Revenue Standards  
25 in Sequatchie County.

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1 MS. QUESTELL: Could representatives from  
2 the Sequatchie County Emergency Communications District  
3 please come forward and state your names for the record?

4 MR. TWITTY: My name is Michael Twitty.  
5 I'm the director of Sequatchie County 911.

6 MS. COOPER: I'm Helen Cooper. I'm a  
7 board member, vice chairman.

8 MS. QUESTELL: Good morning.

9 MR. TWITTY: Good morning.

10 MS. QUESTELL: We're here to inquire into  
11 some audit findings. The 2007 audit report for the  
12 Sequatchie County Emergency Communications District  
13 reports the following findings: Flowers, gifts,  
14 donations, and entertainment expenses were found. This  
15 is in violation of the Tennessee Emergency Communications  
16 Board Revenue Standards.

17 And then the management comment states  
18 funeral arrangements and family respect were not  
19 understood to be a part of regulations. Compliance will  
20 follow.

21 And then at the District's request, their  
22 auditor detailed the expenditures mentioned in the  
23 finding. And the expenditures included the following:  
24 \$49.16 for flowers; \$799 for a retirement party; \$50 for  
25 a gift card from Home Plate; and \$150 for a Wal-Mart

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1 gift card.

2 In response to that, the Sequatchie County  
3 districts stated the flowers were an error of judgment on  
4 my part, and I've made restitution of \$49.16; the check  
5 for \$799 was a retiring employee and board member service  
6 recognition dinner; the check for \$50 was a retiring  
7 board member recognition at service recognition dinner;  
8 and a check for \$150 was an employee and board member  
9 recognition at service recognition dinner.

10 According to the director, the dinner was  
11 to recognize two retiring board members and one retiring  
12 district employee, and the visit was not held in  
13 conjunction with the board meeting. Approximately 46  
14 were in attendance, including some -- I guess all of your  
15 employees, board members, the county exec, the ECD  
16 attorney, and significant others.

17 I want to note that the Revenue Standards  
18 prohibit expenditures on gift and flowers and  
19 entertainment expenses. But on the other hand, the  
20 Revenue Standards allow expenditures for service  
21 recognition awards to members of the board of directors  
22 or an emergency communications district employee and  
23 members of the public.

24 Did you have any comments you wanted to  
25 make, Mike?

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1 MR. TWITTY: No, ma'am. Not at this time.

2 MS. QUESTELL: Well, then I'll make some.

3 Did you have any, Vice Chairman?

4 MS. COOPER: No, ma'am.

5 MS. QUESTELL: Well, I see that there  
6 could be some confusion that reasonable people could have  
7 about the meaning of service recognition awards. I mean,  
8 right now I think the way that the Revenue Standards are  
9 written, there could be a lot of confusion -- or some  
10 confusion about what a "gift" is -- which is  
11 prohibited -- and what a "service recognition award" is,  
12 or whether a dinner is an award.

13 And we really would not want to discourage  
14 recognition for service to 911. I mean, the folks who  
15 serve on 911 boards and the folks who do call taking and  
16 dispatching, they deserve credit for what they do.

17 The people who serve on 911 boards, they  
18 do not get paid a cent. What they do takes a lot of time  
19 and it is deeply appreciated. And certainly we all know  
20 about the stresses and the challenges to being a call  
21 taker or a dispatcher.

22 So I really think that this uncertainty is  
23 not helping 911. And what I'd ask the Board to do is to  
24 direct Staff to conduct some research and come up with  
25 some proposed clarifications about what a "service

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1 recognition award" is.

2 CHAIR PORTER: Okay. You've heard the  
3 recommendation of Staff. I guess this is two things now  
4 we've come up with just on this agenda with problems with  
5 the Revenue Standards -- not necessarily problems, more  
6 with clarification.

7 I'm wondering if we don't need to ask  
8 Staff to just review all the Revenue Standards and maybe  
9 make clarifications to any of them that they see that  
10 needs to be made and bring them back to us at a future  
11 board meeting.

12 Probably the number 1 instance that I hear  
13 about is always the Board spending money to buy flowers  
14 for a board member or a board member's family or wife  
15 that's passed away. I mean, that's probably our  
16 number 1. And I know I see it at our County Commission  
17 meeting every time they meet. The County Commissioners  
18 pass the plate and they take up a dollar or two a piece  
19 to have a flower fund because they don't spend county tax  
20 dollars to buy flowers for funerals. I don't think we  
21 need to be doing that either, as much as you might want  
22 to. It's probably a little closer knit group in a 911  
23 board than you are with a big county commission or  
24 something.

25 But I think maybe that we ought to look at

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1 all of the Revenue Standards and just do a complete  
2 review of them, while we're at it, instead of kind of  
3 just piecing these together.

4 MEMBER BILBREY: Do you want a motion on  
5 that?

6 CHAIR PORTER: I'd like to have a motion.

7 MEMBER BILBREY: I'll make a motion.

8 Along with that, let's state penalties  
9 when somebody does do something instead of bringing  
10 people here. Let's just do it without having to confront  
11 them. We're not getting anywhere like that.

12 CHAIR PORTER: If you break the law --

13 MEMBER BILBREY: If you break the law you  
14 know what the penalty is. And it's going to happen.  
15 Okay? That's what we want to get down to.

16 And in the misuse of the money -- however  
17 you want to do that.

18 CHAIR PORTER: Do I have a second?

19 MEMBER BILBREY: We have more and more  
20 situations like that happening, you know, so --

21 MEMBER SMITH: I would second that motion.

22 CHAIR PORTER: I have a second.

23 Now discussion.

24 MEMBER SMITH: Just as a matter, I think,  
25 of what -- your point is well taken. I know those that

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1 pay close attention to that would notice that dues to the  
2 Chamber of Commerce are permissible, civic dues or dues  
3 for specific organizations are not.

4 So I think it is the appropriate time that  
5 we review that.

6 CHAIR PORTER: Yeah. Those things are  
7 about ten years old now, so it's time.

8 MEMBER SMITH: And sometimes there's a  
9 partnership between a 911 district and a local civic  
10 group where they're doing a lot of benefit for public  
11 education or recognizing dispatchers in Public Safety  
12 Health Communicator Week, for example.

13 So I think it's wise timing. And I agree  
14 with Mr. Bilbrey, too, that I think we need to put  
15 some -- just go ahead and add the other part to it while  
16 we're into the process, and see if we can't make it  
17 clarified about what are permissible, and then clarify  
18 what the consequence is for not following.

19 CHAIR PORTER: Lynn, do you want to add  
20 something?

21 MS. QUESTELL: Yes. I have some due  
22 process concerns about setting up punishment that just  
23 gets imposed without someone being able to give their  
24 side of the story.

25 MEMBER BILBREY: We're not saying

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1 punishment.

2 MS. QUESTELL: Okay.

3 MEMBER BILBREY: We're saying if you do  
4 this, you know --

5 CHAIR PORTER: -- here's the steps that  
6 are going to happen.

7 MEMBER BILBREY: Exactly.

8 MS. QUESTELL: Okay. I just want to be  
9 clear. Okay.

10 MEMBER BILBREY: And we've got some more  
11 situations, too. So, you know, there are several things  
12 that need to be looked at there.

13 MS. QUESTELL: Well, I would really  
14 welcome everybody's input on this process. The  
15 districts, too.

16 I mean, if you've got strong feelings  
17 about this.

18 And certainly, board members, if you have  
19 thoughts about this, we would certainly welcome them.  
20 Because we don't want to do this in a vacuum.

21 Ma'am?

22 MS. COOPER: I would like to say that it  
23 was really ambiguous. On one hand it says you can't do  
24 this, and on the other hand you can do this. But neither  
25 was clear. And our intentions were strictly on the up

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1 and up.

2 I'm a small business owner, and I know  
3 what I have to deal with. I deal with state, local, and  
4 federal. And some of them have a sense of humor and some  
5 of them don't.

6 But if you try to do right, they will try  
7 to help you. And I have found that the people here at  
8 the State have been very helpful.

9 And I appreciate Mr. Bilbrey in saying  
10 don't jerk us up here. If we have a misunderstanding,  
11 there's a lot of things that can be ironed out before you  
12 spend \$60 in gas driving over here for just what is, I  
13 think, a simple misunderstanding on our part.

14 MEMBER BILBREY: Well, we want to make  
15 sure there is no misunderstanding. We don't want to  
16 leave room for that, if at all possible.

17 MS. COOPER: Right. We thank you.

18 MEMBER BILBREY: I understand what you  
19 said about these other government institutions, that  
20 there are some things that aren't really straightforward.  
21 But something like this, we ought to be able to  
22 straighten it out enough so that you will understand what  
23 to do and what not to do. And if you do something  
24 intentionally wrong, then you know it's going to be  
25 deducted out of something somewhere.

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1 MS. COOPER: Exactly.

2 MEMBER BILBREY: That's what I mean. And  
3 not punishment per se, but if you spend the money the  
4 wrong way, we're going to get the money back.

5 MS. COOPER: Right.

6 MR. TWITTY: I would like to thank  
7 Mr. Bilbrey's office for the clarity that you've given in  
8 the new release for the regulation for the TECB and ECDs  
9 as of July 1st. It gave us some points that were being  
10 questioned by myself and our center in respect to  
11 handling things.

12 But as a process of our doing, I would ask  
13 for due process in any issue that we had.

14 And on the CPA's side, I would ask that  
15 they clarify in the beginning what their substance is of  
16 what they're accounting for as far as against us to give  
17 a response there.

18 Our response initially was for the  
19 flowers. And we conceded that this was a  
20 misunderstanding on my part. I made the decision. I  
21 paid the money back.

22 But this has escalated for the last two  
23 months. And doing so, it's been a massive confusion on  
24 our part on what is the relevancy of what it is we are  
25 supposed to be attentive to.

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1                   So if we can, number 1, have that clarity  
2     in the beginning from the auditor that comes in and does  
3     and says you have violated this, and succinctly say 1, 2,  
4     3, 4. We respond to that. And we don't have to come up  
5     here and banter with the Board and tie up your time to  
6     facilitate a misunderstanding with the CPA. And we have.

7                   MEMBER BILBREY: Well, where we are right  
8     now starting from this point forward, we're talking about  
9     changing the standards -- the Revenue Standards -- and so  
10    forth -- so that they are more understanding for  
11    everyone. That doesn't mean -- the auditor has to have  
12    something to audit against. He has to have rules and  
13    regulations. And that doesn't mean -- there may still be  
14    some interpretations in different ways.

15                  But if we can do our best to lay out the  
16    rules and regulations, as we see them and then also  
17    describe what's going to happen -- if you -- and I say  
18    this intentionally. Now, sometimes there are mistakes  
19    made and all that can be evaluated.

20                  Again, the auditors can audit the way that  
21    they see fit. And they will discuss it with you.

22                  MR. TWITTY: Understood. But that is the  
23    initial process of how this -- from my understanding --  
24    is supposed to be resolved, is the auditor gives us their  
25    findings.

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1                   MEMBER BILBREY: Right.

2                   MR. TWITTY: And their findings are not a  
3 broad perspective of wording that can be interpreted in  
4 many different ways. It's a succinct 1, 2, 3, 4. Here's  
5 our findings. You have violated a flower issue. Which  
6 was the initial process that we went through.

7                   We conceded we made a mistake. The money  
8 was paid back at the recommendation of Ms. Questell. Not  
9 a problem.

10                  But then as a process of this unfolding,  
11 it began to take on a life of its own. And, oh, by the  
12 way, we have another finding. Oh, by the way, we have  
13 another finding. Then I'm going, "Hold on now, here,  
14 just a minute."

15                  We responded to this back in June. And  
16 now we have this escalation of these findings that are  
17 not only tying up your time, but tying up my time. If we  
18 can get this on the table and figure out what is  
19 structured.

20                  And another issue I would like to bring  
21 up, there is a line item in the Revenue Standards about  
22 employee appreciation. And Ms. Questell and I have  
23 talked about this. Employee appreciate at a rural county  
24 level is a family function of how we recognize an  
25 underpaid, highly stressed individual that's very

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1 dedicated because they are a loyal participant in the  
2 community. And the 911 servitude, as I call it, is a  
3 process of giving back to the community.

4 So we do some things, hopefully, in the  
5 future where we can show them that we are a product of  
6 understanding the tribulations of working for \$9 an hour.  
7 You know, you go to a bigger city and they're paying up  
8 to \$20 an hour -- just to start an employee. And we're  
9 training these people, we're investing money into them.  
10 And it's a small issue for us to spend in employee  
11 recognition \$700 for a dinner.

12 MEMBER BILBREY: What we're talking about  
13 is writing standard rules and regulations for the entire  
14 state. What you do may be entirely different from what  
15 somebody in another part of the state does.

16 Let me say one other thing here before we  
17 go any further.

18 MR. TWITTY: Okay.

19 MEMBER BILBREY: I'm not speaking for the  
20 auditors here. Okay. When you say they did this, this,  
21 and this and it escalated and all that, that's between  
22 you and the auditors.

23 What we're talking about strictly is what  
24 we do here, the standards that we set up for you to  
25 follow. Nothing else.

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1                   MR. TWITTY: And you need an understanding  
2 of how it unfolds on our level.

3                   MEMBER BILBREY: The thing is how it  
4 unfolds on your level should be an interpretation on your  
5 part of what we have written down and that you understand  
6 what we're staying.

7                   You do something intentionally, you know,  
8 that's one thing. If you make a mistake, then that's  
9 something else. We're going to go with the intentional  
10 part here. I hope everybody understands it. You and  
11 everybody for other parts of the state.

12                  MR. TWITTY: Thanks for clarification.

13                  MEMBER BILBREY: Okay. If you don't  
14 understand something, before you do it, call and ask  
15 somebody. That's the best thing I can tell you to do.

16                  MR. TWITTY: We do.

17                  MEMBER BILBREY: Okay. Good.

18                  MR. TWITTY: And we have records of that.  
19 So, you know, it's an issue that we need to clarify that  
20 too, if we need to.

21                  MS. QUESTELL: I'd like to say a couple  
22 things about this. It's really between you and your  
23 auditor if they just give a list like you got and you  
24 don't understand what the expenditures they're talking  
25 about are. You really need to ask them if there's

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1 something in there that you don't understand. And they  
2 give you an opportunity in the process to talk about each  
3 finding. And that's where you should be asking for  
4 clarification of that.

5 You know, I just wanted to explain that  
6 I'm sorry that you paid \$60 to come here. But the law  
7 puts a responsibility on this board to take seriously the  
8 audit findings and to inquire about them. I mean, the  
9 buck stops here.

10 And I think that this has been a useful  
11 inquiry. I mean, your situation is going to improve the  
12 Revenue Standards for everybody. And we appreciate that.  
13 But, I mean -- and we will work to find processes where  
14 we won't be -- everything will be so clear that there  
15 will be no findings. That would be the goal.

16 But in the meantime, you know, we have to  
17 take this seriously. That's what the Board's job -- one  
18 of the Board's main jobs is. And our job is to help you.  
19 To help you get rid of those findings.

20 MR. TWITTY: We take it seriously, too.  
21 That's why we're here.

22 CHAIR PORTER: We appreciate you coming.  
23 Any other questions or discussions on the  
24 motion?

25 (Pause)

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1                   CHAIR PORTER: The motion is that we ask  
2     Staff to review the Revenue Standards.

3                   And it's been several years since those  
4     things were wrote. I remember sitting on the original  
5     committee -- with some of the others -- and those  
6     things -- it's probably time that they need to be  
7     reviewed so that we can try to clarify them for  
8     everybody.

9                   MR. McLEOD: Mr. Chairman, before you move  
10    on, since we have the audit findings on the table, I  
11    would like to ask a question about the audit finding --  
12    about the supported document and using Peachtree. How is  
13    that doing?

14                  MR. TWITTY: It's doing very well.

15                  It's the new findings from your office  
16    that gives us justification, too, Mr. Bilbrey.

17                  Rural counties are at a handicap in having  
18    personnel hired specifically for functionality and  
19    maintaining the Peachtree database. We have done this.  
20    We have a lady now that's trained in Peachtree. We can  
21    keep up realtime. Which is a savior for us in making  
22    decisions, and we can see where we are and what we're  
23    doing.

24                  Prior to last year we did not have  
25    Peachtree. We did not have anybody that was dedicated to

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1     this to this organization. We don't have anybody on  
2     staff on the board that's, you know, capable of managing  
3     that.

4                     So we've hired somebody to do that, which  
5     is an added drain on what our financial resources are,  
6     but it's also a management tool that will assist us in  
7     making good decisions in the future.

8                     And this is the clarity that you gave in  
9     the report as of July 1st. It is greatly appreciated by  
10    the rural counties. You have an understanding that we do  
11    have a -- find out resources, and we really appreciate  
12    that.

13                    CHAIR PORTER: Okay. I'm going to bring  
14    us back to the motion. I think we're getting a little  
15    off here. The motion is on the floor. Is there any  
16    other discussion.

17                    (Pause)

18                    CHAIR PORTER: Hearing none, all in favor  
19    say "aye."

20                    THE BOARD: Aye.

21                    CHAIR PORTER: All opposed, like sign?

22                    (Pause)

23                    CHAIR PORTER: Motion carried.

24                    Thank you folks for coming.

25                    Next item on the agenda is to consider the

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1 2007 audit findings for uncorrected internal control  
2 deficiency for two consecutive years in McNairy County.

3 Folks from McNairy County want to come  
4 forward? Would you have a seat and state your name for  
5 the record, please?

6 MS. TRAVIS: Ruth Travis, director.

7 MR. BOONER: Darryl Booner, chairman.

8 CHAIR PORTER: Lynn, do you want to start  
9 us off?

10 MS. QUESTELL: Good morning.

11 MS. TRAVIS: Good morning.

12 MS. QUESTELL: We're here to review a  
13 situation. Mainly the point of this is if a district is  
14 going to say that they are going to correct something,  
15 then they have to. It's our job to assure that they do.  
16 We would be dropping the ball if we didn't.

17 So there was a 2006 audit report from  
18 McNairy County versus the Communications District that  
19 notes the following finding and recommendation: It said  
20 the District requires two signatures on all checks.  
21 However, instances of pre-signed checks were noted.

22 The recommendation said we recommend that  
23 all checks be completed as to pay an amount before checks  
24 are signed. Additionally, proper support should  
25 accompany the check before it's signed.

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1                   And management comment states we agree and  
2 will correct this finding.

3                   Then the audit report for 2007 makes the  
4 same finding. It says the District requires two  
5 signatures on all checks. However, instances of  
6 pre-signed checks were noted.

7                   The recommendation was the same.

8                   And then the management comment was the  
9 same.

10                  And then when our auditor went to do your  
11 grant monitoring in '08, he noted that the District had  
12 obtained a signature stamp for the check signing, which  
13 is the functional equivalent of having a pre-signed  
14 check.

15                  So we're here to kind of talk about this.  
16 And before we get into any discussion, I want to make  
17 sure everybody knows that there is no evidence that these  
18 procedures caused any harm to the district. There is no  
19 evidence at all. This is just about procedures.

20                  Did you-all have anything you wanted to  
21 say?

22                  MS. TRAVIS: Yes. The pre-signed checks  
23 that you're talking about is like we go to a 911  
24 conference in Gatlinburg, my chairman would sign the  
25 check, but I would not sign it until I got there and

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1 checked in.

2 And then, if I was sending a couple of  
3 dispatchers to TBI school -- they would normally leave on  
4 Sunday. But I would get Darryl to sign their expense  
5 check on Friday. But I would not give it to them until  
6 Sunday until they got ready to leave.

7 Now as far as the stamp, I asked our  
8 attorney -- who is an attorney general -- and he assured  
9 me that it was legal. We have since thrown the stamps  
10 away. We're scared to write a check.

11 CHAIR PORTER: I guess that brings up a  
12 question. You know, is a check stamp of a board member  
13 on a ECD check that requires two signatures -- somebody  
14 else using the stamp to stamp it, is that legal or not?

15 MEMBER MASON: Maybe that's something that  
16 needs to be discussed in the Revenue Standards.

17 CHAIR PORTER: That's an idea. That's  
18 maybe something we need to be looking at, too.

19 MS. TRAVIS: Well, I can assure you I'm  
20 not the only one using a stamp.

21 CHAIR PORTER: Okay. Then that's  
22 something that we need to be looking at. I just can't  
23 imagine that being -- I can imagine it happening. But,  
24 boy, the control problems there is on that stamp. Should  
25 that stamp and some blank checks get out, that could --

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1     you know, Robert, stamping those checks and stamps, they  
2     could really do some damage though.

3                     So maybe that's something else we need to  
4     look at in the Revenue Standards and make that a "yea" or  
5     a "nay." And we can set forth things in the Revenue  
6     Standards or in our regulations -- or so forth -- that  
7     says that something like that couldn't be used, even  
8     though you might not say that in anything else as far as  
9     a statement of those.

10                    MEMBER LOWERY: Right?

11                    MS. QUESTELL: That's correct.

12                    CHAIR PORTER: Okay. Maybe that's  
13     something we need to look at.

14                    MEMBER LOWERY: I think some counties and  
15     cities do that. That's probably where that is coming  
16     from. I won't say a common practice in every county and  
17     city across the state, but I know it's common.

18                    MS. TRAVIS: Well, my chairman runs a  
19     printing office, and I know of several that he's made  
20     for --

21                    CHAIR PORTER: Well, I know on our payroll  
22     checks, the county exec doesn't sign every payroll check.  
23     Their computer signs -- the computer generates the  
24     signature on the check.

25                    So I don't know. That's something that

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1 maybe we need to look at.

2 MEMBER MASON: It's a big difference in  
3 you using your signature check and somebody else using  
4 your signature stamp.

5 CHAIR PORTER: Yeah, I think that's  
6 correct. If I got a stamp of my own signature and  
7 sitting there stamping it is one thing, but giving it to  
8 somebody else to stamp I think could be a problem.

9 So with the previous motion that we made  
10 on the Revenue Standards, do we need any other motions on  
11 this? Or do you think that other motion covers this and  
12 us reviewing all the Revenue Standards and reviewing  
13 items like that also?

14 MS. QUESTELL: I do think the other  
15 motion -- we will reach that issue as we review the  
16 Revenue Standards.

17 We just wanted to make sure that if a  
18 district says they are going to correct something, we  
19 want to make the case that if you say you're going to do  
20 it, do it. Because we would be dropping the ball if we  
21 didn't take steps to make sure that you did. And that is  
22 of concern.

23 And the check issue is really something  
24 that could come back to bite you-all. And we just wanted  
25 to make absolutely sure that you-all understood that that

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1 is actually kind of a dangerous practice.

2 CHAIR PORTER: It's one thing in the  
3 management response to say that you don't agree with the  
4 auditor, and you keep getting that same repeated audit  
5 finding that you keep saying that we don't agree with the  
6 audit. That's one thing. I mean, you don't agree with  
7 that finding.

8 But when you say we're going to fix that  
9 finding -- we agree with it and we're going to fix it,  
10 and then the next year you keep getting the same repeat  
11 findings and you keep saying you're going to fix it and  
12 you don't -- and I'm not just saying that about you. I  
13 see that a lot in audits coming from districts that it's  
14 the same finding every time. And management response may  
15 say for three or four years we're going to fix that,  
16 we're going to fix it.

17 I guess that's where Lynn is coming from,  
18 is to make sure that all the districts understand that if  
19 you say you're going to fix it, fix it. If you don't  
20 agree with a finding, don't say you're going to fix it.  
21 Then you say you don't agree with the finding on the  
22 audit, and then you and the auditor can work it out from  
23 there.

24 MEMBER SMITH: Mr. Chairman, I think  
25 that's a good point. I just want to make sure -- in

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1 looking over the McNairy County's last two reports, I see  
2 that they corrected an issue about travel policy. They  
3 clarified that.

4 But along this line in regards to the  
5 handling of the funds, I've noticed -- unless I'm looking  
6 incorrectly -- there are two consecutive findings  
7 regarding the bonded of -- of surety bonds.

8 Are you -- I'm assuming that it has been  
9 corrected.

10 MS. TRAVIS: It has been corrected. We  
11 have raised our bonds to 75,000 for three of us.

12 MEMBER SMITH: I think that's a safeguard.  
13 And I just noticed that in the last -- similar to the  
14 previous year. Sometimes I know that that can be an  
15 amount because that's based maybe on a monetary issue  
16 because it's based on your revenues.

17 But I just wanted to make sure that there  
18 was no complete absence of bonds. If there are, then  
19 that's something to be corrected pretty quickly, I think.

20 CHAIR PORTER: Right.

21 Do we need any board action on this, Lynn?

22 MS. QUESTELL: No, I don't think so.

23 CHAIR PORTER: Any other questions or  
24 discussions on McNairy County that we need to talk about?

25 (Pause)

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1 CHAIR PORTER: Folks, we appreciate you  
2 coming. You've helped us raise some more questions just  
3 like Sequatchie did of things we need to clarify and work  
4 out as we go forward. We appreciate you coming today.  
5 Thank you.

6 Okay. Next item on the agenda is to  
7 consider proposed amendment to cost recovery plan of AT&T  
8 Mobility and request clarification of the effective date  
9 of truant costs.

10 MS. QUESTELL: Thank you. AT&T -- oh,  
11 Allen, would you like to come up just in case there are  
12 questions?

13 MR. MUSE: All right. Thank you.

14 MS. QUESTELL: If you don't mind, I'll  
15 kind of tee it off and let you answer the questions, if  
16 there are any.

17 For the court reporter, this is Allen  
18 Muse -- M-U-S-E -- of AT&T Mobility.

19 AT&T Mobility is asking the Board to  
20 approve a new cost recovery plan that's been developed to  
21 reflect many changes that have happened to its corporate  
22 structure over the past few years. Most predominantly,  
23 its merger with Cingular, which substantially increased  
24 the number of sites the company operates in Tennessee.

25 The Cingular merger happened in November

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1 of '06. And since then we have rejected a number of  
2 AT&T's requests for cost recovery because they were  
3 substantially different and there wasn't a new plan.

4 And so what we ask the Board to do is to  
5 make this plan retroactive to January 1, 2007. Because  
6 that is -- at that time the new -- they were deploying  
7 the new Cingular -- well, new to them -- Cingular sites  
8 and such. And so that would allow us to kind of catch up  
9 with our paperwork and the reimbursements for cost  
10 recovery.

11 The proposed plan is proprietary. So it's  
12 available for the board members to review up in the TECB  
13 office. It's under lock and key, which is required by  
14 the State regulations.

15 And Allen Muse, as I said, is here from  
16 AT&T Mobility if you-all have any questions for him.

17 CHAIR PORTER: Any questions of Allen?

18 (Pause)

19 CHAIR PORTER: Good to see you again,  
20 Allen.

21 MR. MUSE: You said you wanted to be out  
22 by lunchtime, so I was going to give quick answers  
23 anyway. I appreciate your consideration in it. Thank  
24 you very much.

25 CHAIR PORTER: You've heard the request

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1 from Staff that we approve the amendment to the cost  
2 recovery plan for AT&T.

3 What's the will of the Board?

4 MEMBER LOWERY: So moved.

5 CHAIR PORTER: I have a motion by  
6 Mr. Lowery.

7 Do I have a second?

8 MEMBER RICH: Second.

9 CHAIR PORTER: Second by Mr. Rich.

10 Any discussion?

11 (Pause)

12 CHAIR PORTER: Hearing none, all in favor  
13 of the motion say "aye."

14 THE BOARD: Aye.

15 CHAIR PORTER: All opposed, like sign?

16 (Pause)

17 CHAIR PORTER: Motion carried.

18 How about we take a quick ten minute  
19 break. And we'll come back and do Clay and Maury County,  
20 and then we'll be out of here.

21 (Break in the proceedings.)

22 CHAIR PORTER: Let's have everyone come  
23 back around, and we'll get started again, please.

24 Okay, folks. We only have three items  
25 left on the agenda. Our next item on the agenda is to

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1 consider a request by Clay County ECD to waive the  
2 requirement in Policy No. 14 that local hearings on rate  
3 increases to be noticed twice.

4 If the Clay County folks would come up to  
5 the table and state your name and position with the ECD  
6 for the record, and we will get going.

7 MS. MOULTON: Beth Moulton, director.

8 MR. ERVIN: Elwood Ervin, the chairman of  
9 the board.

10 CHAIR PORTER: Okay.

11 Lynn, do you want to give us a brief  
12 overview here?

13 MS. QUESTELL: Yeah. If you-all don't  
14 mind, I'll kind of explain what this procedural thing is.

15 This is a procedural and preliminary  
16 matter to their rate increase. In 2005 they held a  
17 properly noticed hearing to get a rate increase, and then  
18 they decided not to move ahead with it.

19 And so when they brought their application  
20 up this time, they did another hearing. And before the  
21 hearing they told their local newspaper to notice it  
22 twice and made that clear. They held their hearing, and  
23 then they found out that the newspaper had only published  
24 the notice once.

25 And when we learned about this, we just

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1 did not have the heart to ask them to hold a third  
2 hearing. And we also didn't feel like as Staff we had  
3 the authority to just waive Policy 14.

4 So we recommended that the District ask  
5 the Board to waive this requirement for a second notice  
6 in this limited circumstance. And it was not the  
7 District's fault that they didn't have a second notice.  
8 Allowing a waiver would not violate the law -- the open  
9 meetings law. It does not specifically require two  
10 notices, only adequate notice.

11 So I guess on their behalf I would ask the  
12 Board to please waive the two notice requirements under  
13 this circumstance.

14 CHAIR PORTER: You've heard the  
15 recommendation of Staff that we waive the second hearing  
16 notice for Clay County's increase review.

17 MEMBER RICH: Mr. Chairman, on behalf of  
18 all of us that deal with small-town newspapers, I would  
19 say that we accept Staff recommendation.

20 CHAIR PORTER: Do I have a second?

21 MEMBER MASON: Second.

22 CHAIR PORTER: Second from Ms. Mason.

23 So motion by Mr. Rich and second by  
24 Ms. Mason that we waive Policy No. 14 on the hearing  
25 notice for Clay County.

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1 Is there a discussion?

2 MEMBER SMITH: A very quick question,  
3 Mr. Chairman.

4 CHAIR PORTER: Yes.

5 MEMBER SMITH: Is there any background as  
6 to why we established two? Or do we have --

7 CHAIR PORTER: I think we just picked a  
8 number. No, seriously.

9 MEMBER SMITH: I mean, I'm just wondering.  
10 And I bring that up because if we're going  
11 to examine some other issues, I didn't know if this might  
12 be --

13 CHAIR PORTER: You know, with everything  
14 else we do -- if we're going to have a board meeting,  
15 we're going to hear a budget -- if we do anything, we  
16 only do one notice in the newspaper. I don't know why we  
17 put that one as two.

18 We can probably blame that back on  
19 Anthony Haynes or Ms. Sellers, I would think, if the  
20 Board wants to.

21 (Laughter)

22 MEMBER SMITH: Maybe they own some  
23 newspaper stock.

24 CHAIR PORTER: How about -- since you  
25 brought that up -- how about we just add that to the list

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1 of stuff we're reviewing on the Revenue Standards as far  
2 as --

3 MS. QUESTELL: Well, we can definitely  
4 change Policy 14 right now if you-all vote on that.

5 MEMBER SMITH: In all seriousness, I just  
6 never understood that, why the basis was two for public  
7 hearings on a rate increase as opposed to --

8 MEMBER BILBREY: Let's look into why we're  
9 doing that. Because there are some counties now that  
10 require two -- you know, two readings and two on  
11 everything. Why two? I don't know. But there is a  
12 background to that somewhere.

13 MEMBER SMITH: I come from a small enough  
14 place where sometimes getting it once a week in  
15 publications is good.

16 CHAIR PORTER: Only one newspaper and only  
17 once a week.

18 MEMBER BILBREY: We do need to find out,  
19 you know, if there is a reason. And if there's not --

20 CHAIR PORTER: How about Staff look into  
21 that and report back to us.

22 MS. QUESTELL: Yes, sir.

23 MEMBER LOWERY: I think the importance in  
24 this -- and I guess we have to be sure that we recognize  
25 they did have two hearings. That's the main thing.

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1 CHAIR PORTER: Any other discussion?

2 (Pause)

3 CHAIR PORTER: Hearing none, all in favor  
4 say "aye."

5 THE BOARD: Aye.

6 CHAIR PORTER: All opposed, like sign?

7 (Pause)

8 CHAIR PORTER: Motion carried.

9 Next item will be consider the rate  
10 increase request for Clay County ECD.

11 Folks, if you've not been here before, the  
12 way that we do this is that Staff has prepared a report  
13 for the board members, and we'll hear from Staff on the  
14 report. We'll go over that and listen to that. And then  
15 the board members will ask questions if they have any of  
16 the Staff.

17 And then after that -- then anything  
18 you-all would like the say -- we'll open up the floor for  
19 anything you would like to say, if you have any comments  
20 you'd like to make, and then open the Board up to ask you  
21 any questions they might like to ask you.

22 And then after that, then the Board will  
23 go into its own private discussions as far as the rate  
24 increase request to make a decision.

25 Okay. Who's up?

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1 Robert?

2 Or, Rex, do you go first?

3 MR. HOLLAWAY: Yeah. Mr. Chairman, let me  
4 give you a kind of brief overview of the technical  
5 operations findings based on my site visit of  
6 December 11th, of 2007.

7 At that site visit, I met with the  
8 director, Beth Moulton. We met at the sheriff's  
9 department in Celina. The sheriff runs the PSAP with an  
10 interlocal agreement with the emergency communication  
11 district. The District does not provide any management  
12 oversight on the operation of the PSAP. It's strictly  
13 the responsibility of the sheriff.

14 The PSAP also serves as a reception area  
15 of the sheriff's department. And the personnel at this  
16 time also serve as jailers -- or at least at the time we  
17 made the site visit -- served as jailers.

18 They have two positions that are fully  
19 equipped for call taking and manual dispatch. And since  
20 they are covered by two area codes, they deal with two  
21 separately independent telephone companies. And so they  
22 have 911 trunks from each company. In addition, they  
23 have wireless trunks from the Cookeville selected router.

24 The sheriff's department answers and  
25 dispatches calls for the city of Celina, the

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1     unincorporated areas, the sheriff's department, Clay EMS,  
2     and all the county and city fire and rescue squads.

3                     The PSAP is manned by nine full-time  
4     telecommunicators: five of which are paid by the County;  
5     two are paid by the emergency communications district;  
6     and two are paid by the City, according to Ms. Moulton.

7                     And you have some folders there and a list  
8     of the equipment that they actually have in place. I  
9     won't read that unless you just want me to, just to keep  
10    this brief.

11                    CHAIR PORTER: One thing, I think a  
12    clarification we need to make is -- is that two  
13    dispatchers now are not jailers, right?

14                    MS. MOULTON: Correct.

15                    CHAIR PORTER: They are just dispatchers  
16    now. So that was a clarification -- that was a mis-sight  
17    I think that we had made.

18                    So both dispatchers that are on duty do  
19    not -- they are not jailers; they are just dispatchers.

20                    Questions of Rex on his site report?

21                    (Pause)

22                    CHAIR PORTER: Okay. Robert, you're up.

23                    MR. McLEOD: Okay. Under the financial  
24    review, one of the things that we make sure that whenever  
25    there are funds coming in and leaving the ECD that there

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1 is an interlocal agreement. And there is an interlocal  
2 agreement here with the Clay County Government and the  
3 ECD.

4 Under this agreement, the ECD shall  
5 provide quite a few things here: Maintain two dispatcher  
6 positions pending rate funding available from the ECD,  
7 furnish its own authority for legal services, furnish  
8 generator to run the 911 center, provide paper map books  
9 for all departments to use them, furnish all telephone  
10 lines for necessary phone and computer equipment, provide  
11 battery backup and generators for two tower sites that  
12 the agency uses, provide annual maintenance checks on  
13 generators, provide fax machine for EMS run reports.

14 And then the Clay County Government  
15 provides mostly in-kind to the ECD. One of the things  
16 that they must do is have an annual maintenance agreement  
17 for radios, CAD, and database equipment.

18 This agreement which was signed -- I think  
19 it was -- the latest one was January 2008, and expired in  
20 June 2008. So you have an automatic renewal of that  
21 agreement.

22 Under the income analysis, Table 1 showed  
23 that between fiscal year 2006 and 2008 there was a  
24 fluctuation with the amount of money that came into the  
25 ECD.

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1                   The total revenue had a bit of an increase  
2     because of the amount of funds coming from the  
3     \$14 million contribution. Also, you got a reimbursement  
4     for equipment. So that kind of gave a big percentage  
5     there.

6                   The total revenue amounts that we're  
7     looking at -- at the bottom -- includes all  
8     reimbursements. The authorization remains in  
9     consideration of rate increase in the most recent  
10    landline consideration of 3,100 residential, and also  
11    800, as of February 2008, per the director.

12                  Under the expenditure portion, the one  
13    thing I must note here is that the 2008 numbers that we  
14    are using here are unaudited. It was no less prepared by  
15    the CPA, but it's not audited.

16                  In 2006 and 2008 the ECD paid an impact  
17    payment of 30,000 to the County. And that 30,000 was a  
18    contribution towards all the ECD dispatchers -- or all  
19    dispatchers -- period.

20                  In 2007 there was an increase of  
21    4.0 percent in terms of the actual expenditure, and 30.19  
22    in 2008. In projection period, what is happening here is  
23    that now that the ECD is now taking over -- or has two  
24    dispatchers -- and I'm not sure what the date was of the  
25    employment of those two dispatchers --

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1 MR. ERVIN: January.

2 MR. McLEOD: January. We now have the ECD  
3 increasing the amount of money that they now give to the  
4 County. And this money has lowered it, specifically for  
5 payroll for the two employees, plus the part-time cost  
6 for the director.

7 Is that correct?

8 MS. MOULTON: The director is paid through  
9 the 911 itself.

10 MR. McLEOD: Okay. So when we look at the  
11 2009 projection, we have a total of \$97,900 for salaries  
12 and wages. So what has happened here is between -- if we  
13 look at the 30,000 for 2008 -- 2006 back, now it's now  
14 called salaries and wages rather than impact payment.

15 And there seemed to be a little clarity  
16 there why we call it -- or why was it called impact  
17 payment rather than contribution for salaries and wages  
18 for that time.

19 The justification for the rate increase as  
20 listed here is, (1), to eventually build a facility and  
21 separate from the sheriff's department.

22 And know, with this discussion, this was  
23 in preliminary stages. So there's no actual total as to  
24 how much this will cost to replace all -- regarding  
25 equipment -- and to pay additional dispatchers so that

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1       there will be at least two persons dedicated to 911.

2                       CHAIR PORTER:  You're a little loud,  
3       Robert.  Sorry.  It's not usually a problem we have in  
4       here, is it?

5                       MR. McLEOD:  So although the ECD  
6       leadership indicated that there is a desire to eventually  
7       build a new facility, no estimated cost was presented  
8       with the application.  That might be something that you  
9       guys are perhaps working on.

10                      The ECD plans to spend \$23,000 in fiscal  
11       year 2011 on old communication equipment replacement.

12                      Staff analysis.  The Clay County currently  
13       has a landline rate of 65 cents and a business rate of  
14       \$2.  It is the intention of the County to raise it just  
15       to the maximum \$1.50 for residential and \$3 for business.

16                      The plan appeared to be -- the ECD  
17       management expressed the desire to eventually build a  
18       facility, as I said, but this plan is all preliminary.  
19       One of the intentions of the ECD for this landline rate  
20       increase request is having gotten the money, they want to  
21       centralize all dispatch that comes onto the ECD  
22       management, rather than onto the sheriff.  And I'm not  
23       sure how that agreement is being worked out right now.

24                      The current situation for the  
25       dispatching -- and I'm glad you brought the clarity that

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1 the two ECD dispatchers are solely for 911, because I  
2 think the situation exists before where you have two  
3 dispatchers signing. One is a jailer. And then one is a  
4 911. So that brings a lot of clarity to the table of  
5 some of the questions that we had in this.

6 When we look at Table 3, fiscal year 2006,  
7 we had a negative change in net assets, but shows a  
8 positive change between 2008 and 2007. And this, again,  
9 we see is another example that the contribution of the  
10 \$14 million really does make a difference, at least in  
11 books for the 911.

12 And in assets for the year 2006 and 2008  
13 shows a positive or continuous positive change for the  
14 time, and also through the projected period of the 2009  
15 and 2011. Also, cash for that period shows some  
16 increases both for the audited period and the projected  
17 period.

18 The TECB rate. Let me say the budget that  
19 is presented with the application is also attached for  
20 your review. The caption should be a three-year rather  
21 than a five-year rate increase.

22 One of the questions we had initially --  
23 which I think by this time has brought some clarity by  
24 the director -- is that there was a big change between  
25 the 30,000 that was paid as to the 72,000 that is

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1 currently being paid. And we have since learned that it  
2 is strictly for the two additional dispatchers that are  
3 now being employed totally by the ECD.

4                 Although the ECD leadership has expressed  
5 desire to centralize its dispatching function to be  
6 responsible for all employees, it is not clear whether  
7 there was any discussion or agreement among entities that  
8 they would benefit from this agreement, particularly  
9 about the amounts that would be needed to be contributed  
10 to the ECD. That, perhaps, would be a question the Board  
11 would want to find out.

12                The ECD had five reported audit findings  
13 for the past three years. However, when we look at the  
14 magnitude of the audit findings, it's something that we  
15 can really work on and see how much we can resolve of  
16 these audit findings from the ECD.

17                Staff examined the request presented to  
18 the TECB by the Clay County ECD and finds request  
19 reasonable under these circumstances here. One of the  
20 supplemented information that I submitted to -- at the  
21 back of the insert is a breakdown of how actual salaries  
22 are displayed among the ECD employees and also City and  
23 County employees.

24                The \$30,000 that is still being  
25 distributed to the ECD -- which initially was from the

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1     \$30,000 Rural Dispatcher Grant -- and although the TECB  
2     has since stopped that program -- the County -- or the  
3     ECD continues to pay that money to the -- to the Clay  
4     County government. One of the questions here -- and I'm  
5     supposing the Board will reecho this -- is that \$30,000  
6     is still being paid toward some of the Clay County and  
7     City employees.

8                     MS. MOULTON: That's correct.

9                     MR. McLEOD: Okay. That might be a  
10     question the Board wants to ask about.

11                    Okay. So based on the information  
12     submitted here, we have no reason -- having bringing the  
13     clarity about the salary -- that the Board should not  
14     consider this recommendation -- or request. Sorry.

15                    CHAIR PORTER: Is there questions of  
16     Robert on anything that he's passed out for you?

17                    MEMBER BILBREY: At some point in time  
18     here, either with them or with you, we need to get to the  
19     bottom of this passing of the money over to the County  
20     and what they're using it for and all -- the \$30,000 and  
21     the \$72,000.

22                    Exactly where is the money going, and  
23     who's salary are we talking about? Because only -- ECD  
24     money can only be spent for 911 purposes.

25                    MS. MOULTON: Right. This is going to the

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1     dispatchers. The County pays the dispatchers through the  
2     payroll and the City. But the Clay County 911, we do not  
3     pay any payroll taxes or any type thing like that. So  
4     the County disperses the money for us. We reimburse the  
5     County and the City.

6                   CHAIR PORTER: And I believe you said that  
7     you-all pay for two dispatchers now?

8                   MS. MOULTON: Yes. We pay that through  
9     the County also.

10                  CHAIR PORTER: You-all pay for two, and  
11     the City pays for two, and the County pays for five?

12                  MS. MOULTON: Yes, that's correct.

13                  MR. ERVIN: We're not set up to make  
14     payroll, Mr. Bilbrey. So that's why we disperse the  
15     money to the County once they cut the check.

16                  MEMBER BILBREY: Right. I understand  
17     that. But I just want to make sure that none of that  
18     money, you know, is being used for jailers or for  
19     anything else.

20                  MR. ERVIN: Exactly.

21                  MEMBER BILBREY: It is strictly for  
22     dispatching and nothing else.

23                  MR. ERVIN: Exactly. We've got a pretty  
24     clear accounting trail from our audit and from this  
25     application showing that that money is allocated solely

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1 for our dispatchers.

2 MEMBER BILBREY: Do you have the audit  
3 trail?

4 Do you have that?

5 MR. McLEOD: Well, I think the  
6 supplemental information on the back here -- I'm not  
7 sure. It says \$30,000 divided among all nine full-time  
8 employees, which would include the jailers.

9 MS. MOULTON: Well, actually, it's not the  
10 two that 911 pays for itself. We probably will include  
11 them in the next.

12 It is all -- all but those two have jailer  
13 responsibilities, and have dispatching responsibilities.  
14 In the --

15 MR. McLEOD: So the money is going towards  
16 the jailers?

17 MS. MOULTON: In the schedule, if one is  
18 dispatching to date, they are not jailing to date. They  
19 may jail twice a week, and they may dispatch three times  
20 a week.

21 MR. ERVIN: On our schedule we have  
22 defined duties we worked out with the sheriff to where  
23 that person for that shift is doing dispatch activities  
24 only or jail activities only. If they're not in the  
25 process of jailing, they're assisting our dispatcher.

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1 But the person that is designated for the dispatch  
2 position is not doing any jailing.

3 The 30,000 that is in question is  
4 allocated to those folks as a supplement to their pay  
5 that is given to them by the County or by the City  
6 government. And it works out to be roughly --

7 MS. MOULTON: \$3,300 a year.

8 MR. ERVIN: -- \$3,000 a year. And that we  
9 were advised to separate the duties to make sure that we  
10 did not violate that process of --

11 MEMBER BILBREY: Let me ask you this, can  
12 you document that sufficiently and give it to Robert and  
13 make absolutely sure that we're comfortable with the fact  
14 that that's --

15 MR. ERVIN: Yeah. I mean, we've got it.  
16 I think we've actually got the --

17 MS. MOULTON: I have a couple of schedules  
18 with me, if that would be --

19 MEMBER BILBREY: Well, I'm depending on  
20 you and Robert getting together on it and making sure  
21 that we're comfortable that no 911 funding is going  
22 anywhere except the dispatchers.

23 MS. MOULTON: Okay.

24 MEMBER BILBREY: For 911 purposes.

25 MR. HOLLAWAY: It's a fairly common

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1 practice that where the ECD doesn't run the PSAP -- and  
2 it's small enough that they don't want to do payroll --  
3 that they essentially provide an impact payment to the  
4 County or the City -- whoever runs the PSAP. And then  
5 it's assumed that that money is going for some part of  
6 dispatch operations.

7 But I don't think you can ever trace a  
8 dollar all the way through and say, well, it definitely  
9 went there. But you know that you've got X number of  
10 dispatchers and you know that regardless of how they get  
11 paid, your funding is only supporting X percent of it.

12 MEMBER BILBREY: You can look at the total  
13 pool and pretty well ought to get it out and figure out  
14 who is getting paid for what. But, still, we need to  
15 have some sort of a --

16 MR. HOLLAWAY: I was just saying, when it  
17 gets in the big hopper out there, you know, it's a --

18 MEMBER BILBREY: Yeah. I understand.

19 MR. HOLLAWAY: -- County budget. You  
20 know, they send some to the sheriff and some to the  
21 public works and --

22 MEMBER BILBREY: Maybe we should be paying  
23 directly from the seller of that impact.

24 MR. HOLLAWAY: Then you get into the  
25 problem with employees working for different entities and

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1       benefits and all kinds of problems.

2                       MR. ERVIN:   And that's actually one of the  
3       areas that we're trying to address.   Because we have  
4       disparity in salary ranges between all our dispatchers  
5       and benefits simply because they're funded from three  
6       different sources.

7                       And as a matter of fact, the \$30,000  
8       impact payment was allocated to the seven dispatchers as  
9       a way of us keeping the personnel that we trained rather  
10      than losing them to another district because of a higher  
11      salary.

12                      MEMBER BILBREY:   How many personnel does  
13      the ECD have?

14                      MR. ERVIN:   Two and a half.

15                      MS. MOULTON:   We have two and a half,  
16      actually.

17                      MEMBER BILBREY:   Two and a half, actually?

18                      MR. HOLLAWAY:   Well -- but as far as  
19      employees, you only have a part-time director.

20                      MEMBER BILBREY:   I am talking about  
21      employees of the ECD.

22                      MS. MOULTON:   That would be me.

23                      MR. ERVIN:   That would be her.   She's part  
24      time.

25                      MS. MOULTON:   I'm part time.

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1                   MEMBER BILBREY: What do you do the other  
2 part?

3                   MS. MOULTON: I am payroll and accounting  
4 for the Clay County Board of Education --  
5 twenty-seventh year. So, hopefully, after retirement, I  
6 can go work full time.

7                   MEMBER BILBREY: Good.

8                   MS. MOULTON: That's my goal.

9                   MEMBER BILBREY: That's one thing. We  
10 were sort of wondering why you didn't have a full-time  
11 director.

12                   That's all.

13                   MR. HOLLAWAY: That's just another problem  
14 with these rural --

15                   CHAIR PORTER: Little counties can't  
16 afford them a lot of times.

17                   MR. ERVIN: We're kind of getting  
18 full-time work for part-time pay.

19                   MEMBER LOWERY: Do you-all have a contract  
20 with the County designating this money flow and what  
21 you're paying for and not paying for?

22                   MR. ERVIN: There is an interlocal  
23 agreement between the Board and the County. There is  
24 not -- as talking to Director Questell -- we need to get  
25 a funding agreement. And we're in the process of working

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1 on that between the City and the County and the District.

2 CHAIR PORTER: Other questions of Robert?

3 MR. McLEOD: One of the things that we  
4 want to see reflected in the new interlocal agreement is  
5 that these entities will not reduce their amount to the  
6 ECD under no circumstances. So I don't know how you're  
7 able to negotiate that into the new agreement.

8 MR. ERVIN: That's why in our  
9 conversations we discussed about securing that after the  
10 '08/'09 budget was settled, because it was such a process  
11 in Clay County this year.

12 The city of Celina will probably not be an  
13 issue, but the county government is going to take a  
14 little more time and effort.

15 CHAIR PORTER: Any other questions for  
16 Robert?

17 MEMBER BILBREY: Is it appropriate that we  
18 ask Robert to get with them and to get comfortable, like  
19 I said, with the fact that that money is going to --

20 CHAIR PORTER: Well, I thought we were  
21 already comfortable.

22 Are we not comfortable, Robert?

23 MR. McLEOD: Well, it's written here in  
24 black and white where information is submitted here where  
25 the 30,000 is going. It's divided among nine full-time

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1 employees, which would include the city of Celina and  
2 also the sheriff's employees.

3 MS. MOULTON: And they do send a receipt  
4 each year that I keep in my files showing what they paid  
5 to each employee. I'd be glad to send that to Robert.

6 MR. ERVIN: I can assure you that -- I'm  
7 sorry -- I can assure you there's no intent of our -- on  
8 our part to support the sheriff's department in any of  
9 their correction activities.

10 MEMBER BILBREY: No, we don't mean that.  
11 But the way it's operating here, it's quite possible.

12 MR. ERVIN: Hence, why we're here.

13 MR. McLEOD: So the pointed question is,  
14 this 30,000, is any portion of that going towards the  
15 County's employees, which do act as jailers sometimes?

16 MR. ERVIN: The money is going to the five  
17 county dispatchers. Yes, it is.

18 MEMBER BILBREY: And they act as jailers  
19 sometimes?

20 MR. ERVIN: Part time.

21 MS. MOULTON: Part time, they do. Yes.

22 MEMBER BILBREY: Part time? So you are  
23 actually paying for a jailer part-time?

24 MS. MOULTON: Well -- but they're  
25 dispatchers, too.

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1 MR. ERVIN: But they're dispatchers, too.

2 MEMBER BILBREY: They're doing both. But,  
3 again, that's a hard line to -- it would almost be better  
4 if you would just pay directly for that dispatcher and  
5 nothing else.

6 MR. ERVIN: But there's no way we can  
7 separate their jailer pay and their dispatch pay.

8 MR. HOLLAWAY: Well, even -- Charles, even  
9 our largest county in the state as far as population, I  
10 think they still provide impact payments to probably  
11 seven or eight dispatch centers. And there's absolutely  
12 no way they can pull off the dispatchers and separate  
13 them from the other hundred dispatchers that are on that  
14 payroll.

15 MEMBER MASON: I'm sure that \$30,000  
16 doesn't cover their pay. I mean, if you looked at people  
17 that are jailers and dispatchers -- that money is not  
18 covering all of their pay.

19 CHAIR PORTER: They're making \$22,000 a  
20 year and they're only paying 3,000 of it.

21 MEMBER BILBREY: Yeah. And I guess it's a  
22 fine line. We're going too far with this anyway.

23 But the point is 911 funds are to be used  
24 for 911 and nothing else.

25 MR. ERVIN: Exactly.

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1 MEMBER BILBREY: The other doesn't matter.

2 MR. ERVIN: Mr. Bilbrey, that's why our  
3 dispatchers -- the two district dispatchers do -- never  
4 participate in jailing activities. Never. We won't let  
5 them be trained. The sheriff has asked us to train them.  
6 We will not allow that. They are dispatch only.

7 MEMBER BILBREY: Okay.

8 MR. ERVIN: That's to make sure that the  
9 911 funds are allocated just for dispatch activities.

10 MEMBER SNEED: I guess I do have one  
11 question. And that would be at the end of the year when  
12 you reconcile the number of hours that they were actually  
13 dispatchers, does it equate to the amount that they were  
14 actually paid in terms of having a record to show that?

15 MR. ERVIN: It actually equates, sir, to  
16 more than what they were paid. I mean, our portion of  
17 money that we're giving to the non-ECD dispatchers is not  
18 even a fifth of their salary.

19 And they're working literally -- it's  
20 pretty much an even split, isn't it, Beth?

21 MS. MOULTON: Yes.

22 MR. ERVIN: Between half-time dispatch and  
23 half-time jailer. You may work a shift today, sir, and  
24 you may be the jailer, and you may work a shift tomorrow  
25 and you may be the dispatcher. Whatever the designation

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1 is out beside your name is what you're going to do.

2 So in 2,080 hours, 1,040 of it at least is  
3 going to be jailing, and 1,040 at least is going to be  
4 dispatching. Now, there may be a few hours in between  
5 there.

6 CHAIR PORTER: It breaks it down pretty  
7 good on this thing that out of \$22,768 salary, they are  
8 only paying \$3,300 of it. So it's a very small amount.

9 Other questions of Robert?

10 (Pause)

11 CHAIR PORTER: Okay. We'll move now to  
12 the ECD folks.

13 Do you-all have anything you want to say  
14 or add or statements or anything?

15 MR. ERVIN: I don't know what else we can  
16 add other than the simple fact that you can see our  
17 dilemma and the reason why our ultimate goal down the  
18 road is to separate our facility and our equipment away  
19 from the other county agency and allow us to operate it  
20 independently so we can have oversight, and so we can  
21 have due control over what's taking place and making sure  
22 that calls are received and transmitted and dispatched as  
23 they should be.

24 That's the reason for this request for the  
25 rate increase. And it's essential for us to be able to

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1 step toward that.

2 MEMBER BILBREY: When do you expect to  
3 start in that direction?

4 MR. ERVIN: Our initial funding request is  
5 for the '09/'10 budget year for them to start allocating  
6 employees over from the sheriff's department to us.

7 And the City -- we probably can move a  
8 little bit quicker on the City. The County, I'm not sure  
9 they will be willing to transfer all their employees at  
10 one time.

11 MS. MOULTON: We actually have a county  
12 commissioner on our board and he asked that we start that  
13 next year.

14 MR. ERVIN: We were to -- to tell you the  
15 honest truth, we were going to do it this year and we  
16 were asked to withdraw the request. You took a 73 cent  
17 tax increase at the head.

18 MEMBER SNEED: 73 cents?

19 I do have one more question.

20 CHAIR PORTER: Mr. Sneed, go ahead.

21 MEMBER SNEED: How do you handle overtime  
22 or sick coverage?

23 MR. ERVIN: That's a good question. And  
24 I'm going to let Beth answer that.

25 MS. MOULTON: The overtime -- they don't

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1 have overtime, they have comp time. And they all, I  
2 think, have about 24 sick leave days a year. And that's  
3 all handled through the County. But they do not pay them  
4 any overtime.

5 MEMBER SNEED: Okay.

6 CHAIR PORTER: Other questions?

7 (Pause)

8 CHAIR PORTER: Okay. You have heard from  
9 the District. You've heard the Staff's recommendation  
10 that we'll -- that they don't see any problem that we  
11 approve the Clay County rate increase request, which will  
12 raise their rates to the max: The \$1.50 on residential  
13 and \$3 on business.

14 Now the Board is in its deliberations and  
15 is open for discussion or motions to the Clay County  
16 request.

17 MEMBER LOWERY: I move that we approve the  
18 request.

19 CHAIR PORTER: I have a motion by  
20 Mr. Lowery.

21 Do I have a second?

22 MEMBER BILBREY: Second.

23 CHAIR PORTER: Second by Mr. Bilbrey that  
24 we approve the rate increase request for Clay County.

25 Discussion?

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1 (Pause)

2 CHAIR PORTER: Hearing none, all in favor  
3 of the motion say "aye."

4 THE BOARD: "Aye."

5 CHAIR PORTER: All opposed, like sign?

6 (Pause)

7 CHAIR PORTER: Motion carried.

8 Thanks, folks, for coming. Lynn will be  
9 working with you-all to get all the paperwork and  
10 everything in, in the next little bit. We appreciate you  
11 coming.

12 MR. ERVIN: Thank you. We appreciate it.

13 CHAIR PORTER: And the final item on the  
14 agenda is the request by Maury County ECD for a rate  
15 increase request.

16 If the Maury County folks will come  
17 forward?

18 MEMBER RICH: Mr. Chairman, while they are  
19 doing that I guess I need to recuse myself.

20 CHAIR PORTER: Let the record show that  
21 Mr. Rich is the Director of Maury County and will be  
22 recusing himself from the proceedings.

23 If each one of you would get you a  
24 microphone and state your name and position with the  
25 district for the record, please.

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1 MR. FLEMING: My name is Danny Fleming.  
2 I'm the chair for the Board.

3 MR. HUGHES: My name is Jimmy Hughes. And  
4 I'm an outside accountant for the Board.

5 MR. RICH: Freddie Rich, director.

6 MS. MITCHELL: Susan Mitchell, assistant  
7 director.

8 CHAIR PORTER: Okay. We'll take the same  
9 format as we did with the previous district.

10 And, Rex, you want to get us along here?

11 MR. HOLLAWAY: Okay. This is just a brief  
12 technical operational review of the operation.

13 I met with Freddie on July 17th and did an  
14 inventory of the system and their operational issues.  
15 The PSAP, as most of you know, is located in Columbia and  
16 is managed by Freddie Rich.

17 They answer calls for the unincorporated  
18 areas of the county, which, of course, includes the  
19 sheriff's department, the rural fire and rescue, Maury  
20 Regional EMS, Mt. Pleasant police and fire, and Columbia  
21 police and fire departments.

22 They also answer wireless calls only for  
23 the Spring Hill Police Department. Spring Hill, as you  
24 know, has elected to create its own PSAP and they  
25 actually reside in two counties. But they do transfer

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1 calls that they identify as belonging in the Spring Hill  
2 jurisdiction.

3 They have four positions in their  
4 relatively new facilities. And they all can do radio  
5 dispatch as well as call taking. They have seven  
6 full-time and ten part-time telecommunicators. The three  
7 supervisors provide day-to-day management of those  
8 telecommunicators, and one of them is actually a TAC  
9 officer. They also employ an assistant director and an  
10 administrative assistant in addition to the director.

11 I did mention a relatively new facility.  
12 They just occupied the structure they're in which was  
13 existing in 2006.

14 And I will let Robert go more into the  
15 uses of the rate increase.

16 And, again, you've got some photos and a  
17 listing of the equipment they have. It's a very  
18 up-to-date and modernized facility and uses state of the  
19 art equipment. It's something to be real proud of.

20 CHAIR PORTER: Any questions of Rex?

21 (Pause)

22 CHAIR PORTER: Okay. Robert, you're up.

23 MR. McLEOD: Under the financial review,  
24 I'm going the start again with the interlocal  
25 relationship or agreement. The Maury County ECD, as Rex

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1 mentioned, has a three interlocal agreement. One with  
2 the Columbia Police Department, the fire department, and  
3 the Mt. Pleasant Police Department.

4 For the services rendered to these  
5 entities, the fire department specifically -- the fire  
6 department pays a total of \$4,878 monthly for its service  
7 provided by the ECD. Some of the function mentioned here  
8 is that the fire department also would provide all  
9 equipment -- communication equipment -- computer hardware  
10 and other equipment necessary to carry out the terms of  
11 this agreement, and provide E-911 communication officers  
12 with all specific training related to the departments  
13 operation. And you can see the list presented there as  
14 relative to the fire department agreement.

15 With the agreement to the police  
16 department -- Columbia Police Department -- which became  
17 effective July 1st of each year, the ECD performs all  
18 dispatching service at a cost of \$13,818 monthly. And it  
19 pays for all living expenses, including facility  
20 renovations or expansion; assuming responsibility of  
21 hiring or replacing employees; training and instruction  
22 on proper use of police equipment.

23 The city police department shall perform  
24 the following: pay up to 65 percent of the yearly  
25 NCIC/TCIC network usage charges.

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1                   The agreement with the Mt. Pleasant Police  
2     Department is kind of an agreement that involved the TBI,  
3     also, because the ECD will do research on behalf of the  
4     police department. And at the end of the year the  
5     department of the ECD will pay the TBI for those costs;  
6     and then the police department, in-turn, will reimburse  
7     the ECD for those expenses.

8                   Under income, as shown in Table 1, the  
9     service charge income between financial year 2006 and  
10    2008 fluctuated there a bit. However, a total revenue  
11    for 2008 increased by 9.0 percent, and for 2008, 13.53.

12                  What happened here is that when the audits  
13    were -- the 2006 and 2007 audits were done, the auditors  
14    categorized some of the landline revenue as audit  
15    income -- as such I picked it up. Further discussion  
16    with the director said that the other income lines for  
17    2007 and 2008 should have all been in the landline  
18    revenue.

19                  So, therefore, the increase in the amount  
20    percentage in 2008 would not be so big or seem so  
21    dramatic. It would just be about 2 percent increase  
22    there. So we want to make a note of that.

23                  Financial year 2009 projection. That  
24    number there for the 911 service includes -- if the rates  
25    are approved by the ECB -- then that would include the

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1 new rate amount projected for 2010 and 2011. All  
2 projections were made in consideration of rate increase  
3 and most recent landline count of residential 24,994 and  
4 business 8,424, as of February 2008.

5 Under expenditure, when we look at the  
6 expenditure here, we noticed that the salaries and wages  
7 for 2007 was a 5.55 percent increase over 2006, and 7.25  
8 over 2007.

9 And, again, the numbers used here for the  
10 fiscal year 2008 are unaudited, though prepared by the  
11 CPA who is present with us today.

12 Also for the projected period, as I said  
13 the -- for fiscal year 2009, that 18.73 percent increase  
14 over 2008, and 13.09 for 2010, and 5.02 in terms of  
15 salaries for 2011.

16 Overall, the total expenditure projected  
17 for 2009 shows a 16.03 percent over 2008.

18 Which, again, these are unaudited numbers  
19 and they might change a little when the final numbers are  
20 turned in.

21 Also for 2010, 10.78; and 4.68 for 2011.

22 Justifications for the rate increase. The  
23 ECB provides the reasons for the rate increase in the  
24 requesting application and the public hearing -- which is  
25 a combined document here. To provide equipment and audit

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1 capital projects, which having a discussion with the  
2 director will provide the Board of the required  
3 additional information about these capital projects and  
4 costs.

5 To increase salary cost and provide  
6 additional dispatchers -- also, that could be presented  
7 by the director.

8 To purchase surge suppression system for  
9 the building. And, again, he does have the supported  
10 document to show the actual cost for those.

11 Number 4, to replace CAD computers for  
12 five dispatch positions. According to the director,  
13 there are currently 11 full-time dispatchers and staff,  
14 and they are planning to increase that amount to 13.

15 The ECB's plan to purchase surge  
16 protectors at the cost of \$11,000 and replace four  
17 air-conditioning units, which, also, he has a cost  
18 estimate for that along with him today.

19 Staff analysis. Current rate for the  
20 Maury County is 65 cents residential and \$2.35 for  
21 business.

22 MR. RICH: Robert, I thought inasmuch time  
23 that we have spent together on this -- that should be \$1.

24 MR. McLEOD: \$1?

25 MR. RICH: Yeah.

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1 MR. McLEOD: Thanks for the correction.

2 MR. RICH: Yeah. I checked my  
3 application. I believe that was correct. We just missed  
4 it somewhere as you and I talked.

5 MR. McLEOD: Okay. And now they're  
6 seeking the total maximum in both categories of \$1.50 for  
7 residential and \$3 for business.

8 The ECB projection without the rate  
9 increase is attached for your review so you can actually  
10 take a look at that and see how the numbers fall if they  
11 do not get the rate increase.

12 Staff reviewed the interlocal agreement  
13 and is concerned that there's no language in the  
14 agreement to say that the City or these other entities  
15 will not reduce their contribution under any  
16 circumstances to the ECB. So that might be something  
17 that we want to get into the interlocal agreement  
18 discussion thereafter.

19 The ECB did not have a reported audit  
20 finding for the last three years audit report. Staff  
21 examined the request for the Maury County ECD and finds  
22 the request justifiable if they provide the additional  
23 information. Which would be the cost, and also clarity  
24 into the local agreement. If this happens, then Staff  
25 has no reason why the Board should not consider these

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1 requests from the ECB.

2 CHAIR PORTER: Any questions of Robert?

3 (Pause)

4 CHAIR PORTER: Hearing none -- okay.

5 Maury County folks, anything any of  
6 you-all want say?

7 MR. FLEMING: Chairman, let me first of  
8 all say thank you for giving us the opportunity to come  
9 up and talk to you guys today and present.

10 Again, as we look for the rate increase --  
11 probably many times you do hear or don't hear, but -- you  
12 know, we're trying to provide and do what's best for our  
13 county, such as everybody in the rest of your  
14 95 counties.

15 One thing that we do, as pointed out on  
16 our projection here, is keeping quality dispatchers, as  
17 we find ourselves geographically feeding other counties  
18 sometimes -- as many other people do. So we really want  
19 to work -- we've got a wonderful staff, and we want to  
20 keep that staff where it's not as competitive.

21 You know, probably if anything this year  
22 the gas prices has helped to keep our staff closer than  
23 it ever has before. But gas -- if it ever goes back  
24 down -- they'll start looking again.

25 The other thing that we mentioned -- and

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1 just like Mr. Hollaway mentioned, back in '06 we did move  
2 into a building that we wanted to put a -- if you  
3 would -- a friendly face on our 911 system. We were --  
4 our old building was hard to find. It was a temporary  
5 building. It did last 11 to 15 years. So we are very  
6 excited about the building that we're using.

7 As uncertainty sometimes comes, we look at  
8 the fact that, you know, are we at some point going to  
9 consolidate into a government building? So in moving  
10 into this building -- it was actually built in 1980. It  
11 was a very sound structured building with limited  
12 structural changes, although, you were looking at a  
13 building that was built in '80. So just like us buying a  
14 house or anything else that has some age to it, there's  
15 going to be some considerable things.

16 But outside of that, we've made it a place  
17 that we're very proud of that fits into the neighborhood.  
18 We're next to a church, near a school. So it's been a  
19 big plus to that area.

20 Likewise, a few things that we mentioned  
21 is just bringing up the fact that we've got air-condition  
22 unit surge protection. You know, when the storm comes  
23 through, we want to be the last ones for our lights to go  
24 out. So when everybody looks up the street, we want 911  
25 to have lights. And, you know, if we can't achieve that,

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1 then we haven't really met our goal or dependability.

2 And the last thing, just talking about the  
3 computers and the next generation, you know, a computer,  
4 the technology is only up to date until you can get home  
5 with that computer. So we are looking at the fact that  
6 in the near future we're going to be upgrading just to  
7 stay on top of some of our technology and the computers  
8 to provide our county and our staff to work with.

9 And last of all, you know, the fact of  
10 communication is very important. I work -- I've been in  
11 EMS for 26 years and been involved. And, you know, if it  
12 breaks down at the very beginning, nothing is going to go  
13 right throughout the thing. I think that's why the  
14 insight of this board and our staff at 911 is so very  
15 important.

16 And, you know, I'm new as a chair, but you  
17 guys have answered a lot of questions indirectly for me  
18 and you probably didn't know it. But I do appreciate  
19 this board and the support that you provide to not only  
20 us, but for the state of Tennessee. Thank you.

21 CHAIR PORTER: Anyone else?

22 (Pause)

23 MR. RICH: I'd like to mention that --  
24 let's go back to our contributions again and this not  
25 being in our interlocal agreement.

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1                   Again, this is not a contribution from the  
2   City of Columbia. We work hard for this money. They pay  
3   us to work for them. So I wouldn't think that there  
4   would have to be any language in there because we keep --  
5   they pay us a certain percentage increase every year.  
6   And as a matter of fact, this year we're going to ask  
7   them to fund us one more dispatcher. So I don't think --  
8   unless you can tell us to put it in there -- whether we  
9   need that or not.

10                   MS. QUESTELL: It's really not the Board's  
11   place to dictate what you-all put in your local  
12   agreements as long as they are compliant with the law.

13                   CHAIR PORTER: Anybody else?

14                   (Pause)

15                   CHAIR PORTER: Okay. Any questions of the  
16   Maury County folks from the Board?

17                   (Pause)

18                   CHAIR PORTER: Hearing none then, the  
19   Board will go into their deliberations, and the floor is  
20   open for motions and discussions for the Maury County  
21   rate increase.

22                   MEMBER SMITH: Mr. Chairman, I move to  
23   grant the Maury County rate increase.

24                   CHAIR PORTER: Motion from Mr. Smith.

25                   Do I have a second?

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1 MEMBER SNEED: Second.

2 CHAIR PORTER: Second from Mr. Sneed that  
3 we approve the Maury County rate increase request putting  
4 it to the max of \$1.50 residential and \$3 on business.

5 Any discussion?

6 (Pause)

7 CHAIR PORTER: Hearing none, all in favor  
8 of the motion say "aye."

9 THE BOARD: Aye.

10 CHAIR PORTER: All opposed, like sign?

11 (Pause)

12 CHAIR PORTER: Motion carried.

13 Thank you folks for coming. I appreciate  
14 you.

15 That being the last item on the agenda,  
16 any announcements, Mr. Lowery?

17 MEMBER LOWERY: TENA Conference.

18 CHAIR PORTER: I was about to say, you  
19 better make that announcement.

20 TENA Conference -- give the date.

21 MEMBER LOWERY: September 13th, 14th, and  
22 15th.

23 CHAIR PORTER: 13th, 14th, and 15th.

24 Don't go all the way into Gatlinburg this year because  
25 it's not going to be where it normally is. They got a

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1 new location called --

2 MEMBER LOWERY: -- Music Row. On the  
3 right as you go into Pigeon Forge.

4 CHAIR PORTER: Everybody remember that.  
5 Any other announcements that we need to  
6 make?

7 (Pause)

8 CHAIR PORTER: Next meeting is November  
9 the 20th. Same place, same time.

10 Anybody have anything else?

11 (Pause)

12 CHAIR PORTER: I'll entertain a motion to  
13 adjourn.

14 MEMBER SNEED: I move to be adjourned.

15 MEMBER BILBREY: Second.

16 CHAIR PORTER: Mr. Sneed, Mr. Bilbrey.

17 All in favor say "aye."

18 THE BOARD: Aye.

19 CHAIR PORTER: All opposed, like sign?

20 (Pause)

21 CHAIR PORTER: Motion carried.

22 Everyone have a safe trip home.

23 (End of the proceedings.)

24

25

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1 REPORTER'S CERTIFICATE

2 STATE OF TENNESSEE )  
3 COUNTY OF DAVIDSON )

4 I, Amber A. Thompson, court reporter and  
5 notary public in and for the state of Tennessee,  
6

7 DO HEREBY CERTIFY that the foregoing  
8 transcript of the proceedings were taken on the date and  
9 place set forth in the caption thereof; that the  
10 proceedings were stenographically reported by me in  
11 shorthand; and the foregoing proceedings constitute a  
12 true and correct transcript of said proceedings to the  
13 best of my ability.

14 I FURTHER CERTIFY that I am not related to  
15 any of the parties named herein, nor their counsel, and  
16 have no interest, financial or otherwise, in the outcome  
17 or events of this action.

18 IN WITNESS WHEREOF, I have hereunto  
19 affixed my official signature and seal of office this  
20 11th day of November, 2008.

21

22

23 Amber A. Thompson  
24 Notary Public, State of Tennessee

25

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